



राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

खण्ड 26]

शिमला, शनिवार, 9 दिसम्बर, 1978/18 अग्रहायण, 1900

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9 दिसम्बर, 1978/18 अग्रहायण, 1900 को समाप्त होने वाले सप्ताह में निम्नलिखित विज्ञप्तियां 'असाधारण राजपत्र, हिमाचल प्रदेश' में प्रकाशित हुईं:—

विज्ञप्ति की संख्या	विभाग का नाम	विषय
No. EXN. 1(4)/74, dated the 28th November, 1978. संख्या 7-28/72-इलैक० II, दिनांक 29 नवम्बर, 1978 ।	Excise and Taxation Department निर्वाचन विभाग	Amendment Notification No. EXN 1(4)/74, dated the 8th June, 1978. ग्राम सभा गेहड़वी, समोह, ओहर, बड़ौल तथा बहेना जट्टों के निर्वाचन की सम्पन्नता की तिथि की घोषणा ।
No. LLR-D(6) 33/78, dated the 30th November, 1978. सं० बी०एल०पी० 6-2/68 (सी०)-4200, दिनांक 26 अक्तूबर, 1978 ।	Law Department कार्यालय जिलाधीश, जिला बिलासपुर	The Dowry Prohibition (Himachal Pradesh Second Amendment) Act, 1978 (Act No. 39 of 1978). ग्राम सभा बड़ौल, बहेना जट्टा, गेहड़वी, समोह और ओहर के प्रधान तथा उप-प्रधान सहित सदस्यों की संख्या का निर्धारण ।

भाग I—वैधानिक नयनों को छोड़ कर हिमाचल प्रदेश के राज्यपाल और हिमाचल प्रदेश हाई कोर्ट द्वारा अधिसूचनाएं इत्यादि

हिमाचल प्रदेश हाई कोर्ट

NOTIFICATIONS

Simla-1, the 25th November, 1978

No. HHC/GAZ/3-6/71-II.—The Hon'ble the Chief Justice and Judges are pleased to sanction 30 days earned leave with effect from 26-12-1978 to 24-1-1979 with permission to prefix 24th and 25th December, 1978 being Sunday and Christmas holidays respectively in favour of Shri S. P. Thaplyal, Deputy Registrar (Admn.)-cum-Secretary to the Hon'ble the Chief Justice.

Certified that Shri S. P. Thaplyal is likely to join the same post at the same station from where he proceeds on leave after the expiry of the same.

Certified that Shri S. P. Thaplyal, would have continued to hold the post of Deputy Registrar (Admn.)-cum-Secretary to the Hon'ble the Chief Justice but for his proceeding on leave.

Simla-1, the 18th November, 1978

No. HHC/GAZ/14-16/74.—The Hon'ble the Chief Justice and Judges are pleased to accord *ex-post facto* sanction to the grant of 8 days commuted leave with effect from 23-9-1978 to 30-9-1978 with permission to suffix 1st and 2nd October, 1978 being gazetted holidays in favour of Shri A. L. Vaidya, Senior Sub-Judge-cum-Chief Judicial Magistrate, Bilaspur, Himachal Pradesh.

Certified that Shri Vaidya has joined the same at the same station from where he had proceeded on leave.

Certified that Shri Vaidya would have continued to hold the post of Senior Sub-Judge-cum-Chief Judicial Magistrate, Bilaspur, Himachal Pradesh but for his proceeding on leave.

Simla-1, the 18th November, 1978

No. HHC/GAZ/14-14/74.—The Hon'ble the Chief Justice and Judges are pleased to sanction 27 days earned leave with effect from 4-12-1978 to 30-12-1978 with permission to affix Sundays falling on 3-12-1978 and 31-12-1978 respectively in favour of Shri Surendra Prakash, Additional District Judge, Kangra at Dharamsala, Himachal Pradesh.

Certified that Shri Surendra Pradesh is likely to join the same post at the same station from where he proceeds on leave after the expiry of the same.

Certified that Shri Surendra Prakash would have continued to officiate as Additional District Judge, Kangra at Dharamsala, Himachal Pradesh but for his proceeding on leave.

Simla-1, the 18th November, 1978

No. HHC/GAZ/14-6/75.—The Hon'ble the Chief Justice and Judges are pleased to sanction 13 days earned leave with effect from 20-11-1978 to 2nd December, 1978 with permission to affix Sundays on 19-11-1978 and 3-12-1978 respectively in favour of Shri T. R. Handa, District and Sessions Judge, Simla, Bilaspur and Kinnaur Districts, Simla, Himachal Pradesh.

Certified that Shri T. R. Handa is likely to join the same post at the same station from where he proceeds on leave after the expiry of the same.

Certified that Shri T. R. Handa would have continued to hold the post of District and Sessions Judge, Simla,

Bilaspur and Kinnaur Districts, Simla, Himachal Pradesh but for his proceeding on leave.

Simla-1, the 18th November, 1978

No. HHC/GAZ/14-38/74.—The Hon'ble the Chief Justice and Judges are pleased to accord *ex-post facto* sanction to the grant of 8 days commuted leave with effect from 3-11-1978 to 10-11-1978 with permission to suffix 11th and 12th November, 1978 being Second Saturday and Sunday in favour of Mrs. Aruna Kapoor, Sub-Judge-cum-Judicial Magistrate, Simla, Himachal Pradesh.

Certified that Mrs. Aruna Kapoor has joined the same post at the same station from where she had proceeded on leave.

Certified that Mrs. Aruna Kapoor would have continued to officiate as Sub-Judge-cum-Judicial Magistrate, Simla but for her proceeding on leave.

By order,
H. D. KAINTHLA,
Registrar.

Simla-1, the 18th November, 1978

No. HHC Misc. 6-20/77-IV-7816.—It is hereby notified for general information that the Civil Courts in Himachal Pradesh shall remain closed for annual vacation as under:—

Civil Courts in Winter Zone comprising the Districts of Simla, Solan (Except the Court of the Subordinate Judge, Nalagarh) Kinnaur, Kangra (Except the Courts of Subordinate Judges, Nurpur, Palampur, Kangra and Dehra), Lahaul and Spiti, Chamba, Sirmur and Kulu will observe the annual vacation with effect from Monday, January 15, 1979 to Tuesday, February 13, 1979 (both days inclusive).

Civil Courts in Summer Zone comprising the Districts of Hamirpur, Una, Mandi and Bilaspur, the Court of the Subordinate Judge, Nalagarh of Solan District and the Courts of Subordinate Judges, Palampur, Nurpur, Kangra and Dehra of Kangra District, will observe the annual vacation with effect from Monday, July 2, 1979 to Tuesday, July 31, 1979 (both days inclusive).

By order of the Hon'ble the Chief Justice and Judges.

H. D. KAINTHLA,
Registrar.

हिमाचल प्रदेश सरकार

कामिक विभाग

अधिसूचना

शिमला-2, 23 नवम्बर, 1978

संख्या 6-7/73-नियुक्ति-1 (कामिक).—हिमाचल प्रदेश के राज्यपाल निम्नलिखित हिमाचल प्रदेश प्रशासनिक सेवा के अधिकारियों को उनकी 58 वर्ष की आयु पूर्ण होने पर उनके नाम के सामने लिखी गई तिथि से सेवा निवृत्ति के आदेश सहर्ष करते हैं:—

1. श्री नन्द लाल ठाकुर 31-1-1979
उप-निदेशक उद्योग,
हिमाचल प्रदेश ।
2. श्री बी० एन० रैणा 28-2-1979
जिला विकास एवं पंचायत
अधिकारी, नाहन ।

एल० एच० नोन्हांग,
मुख्य सचिव ।

EDUCATION DEPARTMENT NOTIFICATION

Simla-171002, the 4th November, 1978

No. EDN-II-G(1)37/74 Vol. II.—Whereas it appears to the Governor of Himachal Pradesh that the land is required to be taken by the Himachal Pradesh Government, at public expenses for the public purpose, namely, for the play-ground of Government High School, Una, it is hereby declared that the land described in the specification given below is required for the above purpose.

2. The declaration is made under the provision of section 6 of the Land Acquisition Act, 1894, to all whom it may concern and under the provisions of section 7 of the said Act, the Sub-Divisional Officer (C)-cum-Land Acquisition Collector, Una, is hereby directed to take order for the acquisition of the said land.

3. The plans of land in question may be inspected in the office of the Sub-Divisional Officer (C)-cum-Land Acquisition Collector, Una.

SPECIFICATION

District: UNA Tehsil: UNA

Village	Khasra No.	Area K. M.
UNA	4185/3615/1027	3 6
	3617/1030	5 7
	1026	0 15
	4184/3615/1027	8 10
Total ..		17 18

B. C. NEGI,
Sachiv.

VITTA (VINIYAM) VIBHAG

NOTIFICATION

Simla-171002, the 10th November, 1978

No. Fin. (C)-A(2)-22/77.—The Governor, Himachal Pradesh is pleased to order that the Sub-Divisional Officer, Bilaspur, District Bilaspur, Himachal Pradesh shall function as Disbursing Officer under following heads of accounts till a regular Treasury Officer is posted in that district:—

254—Treasury and Accounts Admn.—

(b) Treasury Establishment—

(b) (ii) District Treasuries and Sub Treasuries—

(b) (iii) Staff engaged in connection with the

सामान्य प्रशासन विभाग

अधिसूचनाएं

सिमला-171002, 10 नवम्बर, 1978

सं 0 सा 0 प्र 0 वि 0 क (ख) 6-1/78.—यह अधिसूचित किया जाता है कि निम्न अनुसूची में उल्लिखित छुट्टियां हिमाचल प्रदेश सरकार के अधीन शासकीय कार्यालयों में सार्वजनिक छुट्टियों के तौर पर यन्त्री वर्ष, 1979 में मनाई जायेंगी:—

अनुसूची

छुट्टियां 1	तारीख 2	शक सम्बत् 3	सप्ताह का दिन 4
1. गुरु गोबिन्द सिंह जन्म दिवस	4 जनवरी	14 पौष, 1900	बृहस्पतिवार
2. पूर्ण राज्यदिवस	25 जनवरी	5 माघ, 1900	बृहस्पतिवार
3. गणतन्त्र दिवस	26 जनवरी	6 माघ, 1900	शुक्रवार
4. गुरु रविदास जन्म दिवस	12 फरवरी	23 माघ, 1900	सोमवार
5. होली	14 मार्च	23 फाल्गुन, 1900	बुधवार
6. रामनवमी	5 अप्रैल	15 चैत्र, 1901	बृहस्पतिवार

A. E. C. D. Govt. and Local Self Deptt. Employees Scheme, 1974."

2. The Governor Himachal Pradesh is further pleased to order that, the Sub-Divisional Officer, Bilaspur shall also function as Controlling Officer, for the purpose of T. A. etc. respect of Class II and III staff of Treasury and Accounts Organisation posted in Bilaspur District.

R. C. KAUSHESH,
Up Sachiv.

FOREST FARMING AND ENVIRONMENTAL DEPARTMENT NOTIFICATION

Simla-171002, the 7th/12th October, 1978.

No. 2-6/75-SF(loose).—The Governor, Himachal Pradesh, is pleased to appoint the following two Forest Rangers, Class III (non-gazetted) as Assistant Conservator of Forests (HPFS-II Gazetted) in the scale of Rs. 350—900 purely as stop gap arrangement on the *ad hoc* basis for a period not exceeding six months or till the posts are filled in on regular basis in accordance with the provision of the Recruitment and Promotion Rules, whichever is earlier:—

Sl No.	Name of the Forest Ranger	Present place of posting as Ranger
1.	Shri Krishan Kumar Sarin	On deputation with S.S.B.
2.	Shri Kishan Chand	R. O. Bakloh

2. The Governor, Himachal Pradesh, is further pleased to order that Shri Krishan Kumar Sarin will continue to remain on deputation with the S.S.B. and Shri Kishan Chand will join as Assistant Conservator for Forests, Working Plan Division, Kotgarh vice Shri Bhagirath Sharma, Assistant Conservator of Forests, who is transferred and posted as Assistant Conservator of Forests, Working Plan Division, Nachan-Mandi.

3. The above arrangement will not confer any right or benefit on the above officers in the matter of seniority or promotion.

CORRIGENDUM

Simla-171002, the 9th November, 1978

No. FTS(F)2-6/78.—Please substitute the word Simla for Dalhousie appearing in Column No. 2 against Serial No. 10 of this Department Notification of even No. dated 2-11-1978.

R. C. GUPTA,
Secretary.

1	2	3	4
7. महावीर जयन्ती	10 अप्रैल	20 चैत्र, 1901	मंगलवार
8. गुड फ्राई डे	13 अप्रैल	23 चैत्र, 1901	शुक्रवार
9. बुद्ध पूर्णिमा	11 मई	21 वैशाख, 1901	शुक्रवार
10. रक्षा बन्धन	8 अगस्त	17 श्रावण, 1901	बुधवार
11. जन्माष्टमी	14 अगस्त	23 श्रावण, 1901	मंगलवार
12. स्वतन्त्रता दिवस	15 अगस्त	24 श्रावण, 1901	बुधवार
13. दशहरा	1 अक्तूबर	9 आश्विन, 1901	सोमवार
14. महात्मा गांधी जन्म दिवस	2 अक्तूबर	10 आश्विन, 1901	मंगलवार
15. महाशिव बात्मिकी जन्म दिवस	5 अक्तूबर	13 आश्विन, 1901	शुक्रवार
16. दीवाली (दीपावली)	20 अक्तूबर	28 आश्विन, 1901	शनिवार
17. भैया दूज	22 अक्तूबर	30 आश्विन, 1901	सोमवार
18. ईदुल जुहा (बकरीद)	2 नवम्बर	11 कातिक, 1901	शुक्रवार
19. मुहर्रम	1 दिसम्बर	10 अग्रहायण, 1901	शनिवार
20. क्रिसमस दिवस/गुरु गोविन्द सिंह जन्म दिवस	25 दिसम्बर	4 पौष, 1901	मंगलवार

टीप.—महाशिवरात्री (25-2-1979), हिमाचल दिवस (15-4-1979) ईदुल-फ़ितर (26-8-1979) दशहरा (30-9-1979) तथा गुरु नानक जन्म दिवस (4-11-1979) ये अवसर रविवार के दिन होने के कारण अनुसूची में शामिल नहीं किये गये हैं।

1979 की वैकल्पिक छुट्टियों की सूची

छुट्टियाँ	तारीख	शक्. सम्बत्	सप्ताह का दिन
1. नव वर्ष दिवस	1 जनवरी	11 पौष, 1900	सोमवार
2. विष्वक्कर्मा जयन्ती	9 फरवरी	20 माघ, 1900	शुक्रवार
3. मिलाद-उन-नबी या ईद-ए-मिलाद	10 फरवरी	21 माघ, 1900	शनिवार
4. वैशाखी	14 अप्रैल	24 चैत्र, 1901	शनिवार
5. जमातुलविदा	24 अगस्त	2 भाद्र, 1901	शुक्रवार
6. दशहरा	29 सितम्बर	7 आश्विन, 1901	शनिवार
7. गुरु तेग बहादुर शहीद दिवस	24 नवम्बर	3 अग्रहायण, 1901	शनिवार

टीप.—हजरत अली जन्म दिवस (10-6-1979) और गोवर्धन पूजा (21-10-1979) ये अवसर रविवार के दिन होने के कारण अनुसूची में शामिल नहीं किये गए हैं।

आगे यह भी अधिसूचित किया जाता है कि कार्यालय अध्यक्षों को स्वेच्छा से यन्त्री वर्ष में दो स्थानीय छुट्टियाँ स्थान विशेष के प्रमुख मेलों तथा त्योहारों के अवसरों पर देने की अनुमति होगी। यदि कहीं पर दो से अधिक प्रमुख मेल/त्योहार पड़ते हों तो दो स्थानीय छुट्टियाँ सम्बन्धित जिलाधीश के परामर्श से घोषित की जायें। परन्तु किसी भी अवस्था में स्थानीय छुट्टियों की संख्या एक यन्त्री वर्ष में दो से अधिक न होगी।

अधिसूचना

शिमला-2, 13 नवम्बर, 1978

संख्या जी० ए० डी० (डी०) बी० (3)-1/77.—हिमाचल प्रदेश के राज्यपाल, श्री राम दयाल शर्मा, सम्पादक (राजपत्रित श्रेणी-II) लोक सम्पर्क विभाग, हिमाचल प्रदेश को उप-निदेशक (राजपत्रित श्रेणी-I) वेतनमान रुपये 400—1250 में श्री वेद भूषण महाजन, उप-निदेशक, लोक सम्पर्क विभाग, हिमाचल प्रदेश के अर्जित अवकाश दिनांक 3-10-1978 से 4-11-1978 तक के समय के लिये पदोन्नत करने का महर्ष आदेश देते हैं।

2. श्री राम दयाल शर्मा, उपरोक्त, पद पर उन्नति के समय में अपने स्थाई पद (सम्पादक) का भी कार्य भार सम्भाल रहेगे।

शिमला-2, 23 नवम्बर, 1978

संख्या जी० ए० डी० (डी०) बी० (9)-1/78.—हिमाचल प्रदेश के राज्यपाल, निम्नलिखित जिला लोक सम्पर्क अधिकारियों को उनके इस पद के परख अवधि काल को सफलता पूर्वक पूरा

करने के उपरान्त, सहर्ष जिला लोक सम्पर्क अधिकारी के पद पर 6-2-1977 से स्थाई करने का आदेश देते हैं:—

1. श्रीमती रमा शर्मा,
2. श्री के० एल० वैद्य,
3. श्री पी० सी० धारू।

शिमला-2, 23 नवम्बर, 1978

संख्या जी० ए० डी० (डी०) बी० (3)-1/77.—हिमाचल प्रदेश के राज्यपाल श्री रामदयाल शर्मा, सम्पादक (राजपत्रित श्रेणी-II) लोक सम्पर्क विभाग, हिमाचल प्रदेश को उप-निदेशक (राजपत्रित श्रेणी-I) वेतनमान रु० 400—1250 में अस्थाई रूप में 6 मास की अवधि के लिए या इस पद को स्थाई रूप से भरने तक की अवधि (जो भी पहले होगी) सहर्ष पदोन्नति करने का तुरन्त आदेश देते हैं।

एल० एच० तोच्छांग,
मुख्य सचिव।

HOME DEPARTMENT

NOTIFICATIONS

Simla-171002, the 6th November, 1978

No. HOM(A)-A(4)-9/77.—The Governor, Himachal Pradesh is pleased to extend the tenure of the Study Group as constituted vide this Department notification of even number, dated the 8/10th May, 1978 by three months with effect from 12-11-1978.

By order,
L. H. TOCHHAWNG,
Chief Secretary.

शिमला-2, 28 नवम्बर 1978

संख्या-7-55/73-होम(ए०).—हिमाचल प्रदेश के राज्यपाल, वेद साय श्री बी० सैमुल, उप-अधिक्षक पुलिस(बेतार) के दिनांक 9-11-1978 को हुए आकस्मिक निचन की घोषणा करते हैं।

एल० एच० तोच्छांग,
मुख्य सचिव।

स्वास्थ्य एवं परिवार कल्याण विभाग
अधिसूचनाएं

शिमला-2, 16 नवम्बर, 1978

संख्या स्वास्थ्य-बी०(3)-134/78.—राज्यपाल, हिमाचल प्रदेश, डा० राजिन्द्र कुमार मेहता को हिमाचल प्रदेश स्वास्थ्य सेवा जनरल ड्यूटी अधिकारी ग्रेड-II के पद पर 400-30-700/40-1100 रुपये के वेतन मान में तदर्थ आधार पं. छ: महीने के लिये 15-7-1978 पूर्वाह्न से या तब तक के लिये जब तक कि आसामी नियमित रूप से नहीं भरी जाती, जो भी पहले हो, नियुक्त करते हैं।

हस्ताक्षरित,
उप-सचिव (स्वास्थ्य)।

शिमला-2, 16 नवम्बर, 1978

क्रमांक एच० एफ० डब्ल्यू-बी०(3) 21/78.—राज्यपाल हिमाचल प्रदेश, डा० राघवेन्द्र सिंह राठौर, सह-आचार्य फार्माकालोजी को 900-50-1150-50-1300 रुपये के वेतनमान में 1150 रुपये की स्टेज पर दिनांक 11-1-1978 से दक्षतारोध पार करने की अनुमति प्रदान करते हैं। दिनांक 11-1-1978 को डा० राघवेन्द्र सिंह राठौर का वेतन 1200 रुपये हो जायेगा।

शिमला-2, 17 नवम्बर, 1978

क्रमांक एच० एफ० डब्ल्यू-बी०(3)-1/78.—राज्यपाल, हिमाचल प्रदेश, डा० श्रीमती आशा गोयल, सह-आचार्य पैथोलोजी को 900-50-1150/50-1300 रुपये के वेतनमान से 1150 रुपये की स्टेज पर दिनांक 1-1-78 से दक्षतारोध पार करने की अनुमति प्रदान करते हैं। दिनांक 1-1-78 को डा० आशा गोयल का वेतन 1200 रुपये हो जायेगा।

शिमला-2, 22 नवम्बर, 1978

क्रमांक एच० एफ० डब्ल्यू-बी०(3)-16/78.—राज्यपाल, हिमाचल प्रदेश डा० रवेन्द्र कुमार सक्सेना, सह-आचार्य ई० एन० टी० को 900-50-1150/50-1300 रुपये के वेतनमान में 1150 रुपये की स्टेज पर दिनांक 1-1-1978 से दक्षतारोध पार करने की अनुमति प्रदान करते हैं। दिनांक 1-1-78 को डा० रवेन्द्र कुमार सक्सेना का वेतन 1200 रुपये हो जायेगा।

अमर नाथ विद्यार्थी,
सचिव।

INDUSTRIES DEPARTMENT

CERTIFICATE OF APPROVAL

Simla-171002, the 10th November, 1978

No. Ind-VI(F)(12)/76.—This is to certify that M/S Himachal Mineral Company 4-B Rajasb Road Dehradun (U.P.) is approved as a person who is qualified to acquire prospecting Licence and Mining lease in respect of Minerals except Petroleum and Natural Gas in the State of Himachal Pradesh under Mineral Concession Rules, 1960.

This certificate is valid upto 31-12-1978.

शिमला-2, 17 नवम्बर, 1978

संख्या इण्ड-4(एफ०) 12-50/78.—यह प्रमाणित किया जाता है कि श्री इयाम नाल दुर्गमा, गांव राजपुर, डांगर कांठपुरा, तहसील रुदर, जिला बिठूरपुर हिमाचल प्रदेश खानिज अन्वेषण तथा भूमि पट्टे पर लेने के लिए गुण-न्यप्न व्यक्ति है। यह हिमाचल प्रदेश मिनरल कनरेश: क्लज, 1960 के अन्तर्गत हिमाचल प्रदेश में तेल तथा प्रकृतिगत गैस के अतिरिक्त सभी खनिजों वा अन्वेषण करेगा।

यह प्रमाण-पत्र 31-12-1978 तक प्रबल है।

आदेश से,
आर० सी० गुला,
सचिव।

LABOUR DEPARTMENT

NOTIFICATION

Simla-2, the 30th October, 1978

No. 8-51/72-SI.—In exercise of the powers conferred under section 88 of the E.S.I. Act, 1948, the Governor of Himachal Pradesh is pleased to exempt the following Sales/Medical representatives and employees posted in non-Implemented areas of M/S Devi Dass Gopal Krishan Private Ltd. Moga (Pb.) from the operation of E.S.I. Act, 1948 (As amended) on the condition mentioned in Annexure to the Notification.

Sl. No.	Name of the Employee	Place of Posting	Period of Exemption
1	2	3	4
1	Shri Kartar Singh Jaggi.	Mandi	1-7-78 to 30-6-1979

ANNEXURE

- (1) The aforesaid factory wherein the employees are employed shall maintain a register showing the names and designation of the exempted employees;
- (2) Notwithstanding this exemption, the employees shall continue to receive such benefit under the said Act to which they might have become entitled to on the basis of the contributions paid prior to the date from which exemption granted by this notification operates;
- (3) The contributions for the exempted period, if already paid, shall not be refunded;
- (4) The employer of the said factory shall submit in respect of the period during which that factory was subject to the operation of the said Act (hereinafter referred to as the said period), such returns in such form and containing such particulars as were due from it in respect of the said period under the employees' State Insurance (General) Regulations, 1950;

(5) Any inspector appointed by the Corporation under sub-section (1) of Section 45 of the said Act, or other official of the Corporation authorised in this behalf shall, for the purposes of:

(i) verifying the particulars contained in any return submitted under sub-section (1) of section 44 for the said period; or

(ii) ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950 for the said period; or

(iii) ascertaining whether the employees continue to be entitled to benefits provided by the employer in cash and kind being benefits in consideration of which exemption is being granted under this notification; or

(iv) ascertaining whether any of the provisions of the Act had been complied with during the period when such provisions were in force in relation to the said factory be empowered to:

(a) require the principal or immediate employer to furnish to him such information as he may consider necessary; or

(b) enter any factory, establishment, office or other premises occupied by such principal or immediate employer at any reasonable time and require any person found in charge thereof to produce to such inspector or other official and allow him to examine such documents, books and other documents relating to the employment of persons and payment of wages or to furnish to him such information as he may consider necessary; or

(c) examine the principal or immediate employer, his agent or servant or any person found in such factory, establishment, office or other premises, or any person whom the said Inspector or other official has reasonable cause to believe to have been an employee; or

(d) make copies of or take extracts from any register account book or other document maintained in such factory, establishment, office or other premises.

By order,
Sd/-
Secretary.

लोक निर्माण विभाग

अधिसूचना

शिमला-2, 16 नवम्बर, 1978

नं०-1-77/73-पी०-डब्ल्यू०(ए०).—राज्यपाल, हिमाचल प्रदेश आदेश देते हैं कि अधिशासी अभियन्ता (विद्युत्) का नया पद जो दिनांक 30-6-1978 को सृजन किया गया है उस पद के उत्तरदायित्वों का पूर्ण कार्यभार श्री अजय कुमार बिज, सहायक अभियन्ता (विद्युत्) अपने कार्यभार के साथ अगले आदेश जारी होने तक सम्भाले रहेंगे।

2. यह आदेश तुरन्त प्रभावी होंगे।

3. इस संदर्भ में आधिकारिक लाम सम्बन्धी आदेश अलग से जारी किये जायेंगे।

बो०सी०नेगी,
सचिव।

कल्याण विभाग

अधिसूचना

शिमला-171002, 25 नवम्बर, 1978

कल्याण-ए० (4)-43/76.—राज्यपाल, हिमाचल प्रदेश इस विभाग के समसम्बन्धक अधिसूचना दिनांक 23-5-78 में निम्नलिखित आंगिक संशोधन सहर्ष करते हैं:—

क्रम संख्या 3 पर मुख्य संतोदय सचिव के स्थान पर राज्य मंत्री पंचायत पड़ा जाये।

अमर नाथ विद्यार्थी,
सचिव।

भाग 2—वैधानिक नियमों को छोड़ कर विभिन्न विभागों के अध्यक्षों और जिला मैजिस्ट्रेटों द्वारा अधिसूचनाएं

इत्यादि

कार्यालय उप-कृषि निदेशक जिला सिरमौर, नहान

नाहन, 25 नवम्बर, 1978

कार्यालय आदेश

सं० कृषि-सिरमौर-पी०एफ०/78—12 दिन के अर्जित अवकाश की स्वीकृति दिनांक 27-11-78 से 8-12-78 तक व पूर्वस्थित अवकाश दिनांक 26-11-78 और पश्चस्थित अवकाश दिनांक 9-12-78 तथा 10-12-78 (राजपत्रित अवकाश) को अनुमति सहित श्री धर्म सिंह पंवार, विषय विशेषज्ञ (बहु-फसलीय), नाहन के पक्ष में दी जाती है।

प्रमाणित किया जाता है कि उपरोक्त अवकाश की अवधि समाप्त होने पर श्री पंवार को उमी पद व स्थान का कार्यभार संभालने का पक्का इरादा है जहां वे वे अवकाश पर गये हैं।

प्रमाणित किया जाता है कि अर्जा अवकाश जो ऊपर समाहित है जिसका समय अधिहारों का वार्षिक वेतन वृद्धि में किया जायेगा।

श्री विजय पाल, पी० संरक्षण अधिकारी, नाहन, श्री धर्म सिंह पंवार को अवकाश अनुपस्थिति में विषय विशेषज्ञ (बहु-फसलीय), नाहन का कार्यभार अपने कार्य के अतिरिक्त सम्भालेंगे।

प्रेम कुमार कोच्छड़,
उप-कृषि निदेशक, नाहन।

उद्यान विभाग

अधिसूचना

शिमला-2, 27 अक्टूबर, 1978

संख्या डी० एच० पी० पी० 2-16/75-खण्ड 2.—जैसा कि प्रदेश सरकार ने अनुभव किया है कि निम्नलिखित बीमारी हिमाचल प्रदेश में सेब के लिए घातक है और यह आवश्यक है कि इसके उन्मूलन के उपाय किये जाएं और इसके पुनः उत्पन्न होने तथा फैलने से रोका जाए, मैं हिमाचल प्रदेश कृषि कोट, व्याधि एवं खरपतवार (अधिनियम, 1969 अधिनियम संख्या 18, 1969) की धारा 3(1) शक्तियों का प्रयोग करते हुए जोकि मुझे हिमाचल प्रदेश सरकार का अधिसूचना संख्या 6-17/69-एच० (सेक्ट०)-II, दिनांक, 28 सितम्बर, 1976 के अन्तर्गत प्रदान की गई हैं, मैं सर्वसाधारण की सूचनायें सेब के स्केव रोग से (बैन्डूरिया इनाइकुलोस) को हिमाचल प्रदेश में सेब के पौधों के लिए घातक घोषित करता हूँ। इसके अतिरिक्त इस अधिनियम की धारा 3(4) के अन्तर्गत उपरोक्त रोग से यस्त फल पौधों के उचित रोग रोषक एवं उपचार के उपायों के अतिरिक्त उपरोक्त रोग से ग्रसित पौधों को नष्ट करने का

भो निर्देश देता हूँ ।

DECLARATION UNDER SECTION 24 OF THE ACT

Hamirpur, the 23rd November, 1978

क्रम सं०	जिले का नाम	विकास खण्ड	गांव का नाम
1	2	3	4
1.	चम्बा	सन्तोरी	मान्दल तथा फिहारा ।
2.	कुल्लू	नगर	बशिष्ट, मनाली, बराडा तथा सेउबाग ।
3.	कुल्लू	कुल्लू	भून्तर तथा बजौरा ।
4.	कुल्लू	बन्नाग	लारजा
5.	मण्डा	सदर	नंगवाई, टकालो तथा पनारमा ।
6.	मण्डा	निगात्र	जन्डालो तथा वागो चौकी ।
7.	शिमला	जूटवल- काटवाई ।	मोताली ।

इन अधिसूचना के जारी होने पर उपरोक्त क्षेत्रों के प्रत्येक बागवान अधिसूचना में दिये गए रोग उन्मूलन हेतु, हिमाचल कृषि कोट व्याधि एवं खराबवार अधिनियम, 1969 की धारा 4(1) के अन्तर्गत रोग रोधक उपचार करने के लिए बाध्य होंगा ।

हस्ताक्षरित,
निदेशक ।

INDUSTRIES DEPARTMENT

DECLARATION UNDER SECTION 24 OF THE ACT

Hamirpur, the 23rd November, 1978

No. Ind/Loan/1759.—Whereas a notice was served on Shri Bihari Lal s/o Shri Dina Nath village Puterial P. O Rail, District Hamirpur on 20-9-78 under section 23/27 of the Himachal Pradesh State Aid to Industries Act, 1971 calling upon the said Shri Bihari Lal to pay to me the sum of Rs. 284.00 (Rupees two hundred eighty four with interest thereon at the rate of 7 per cent per annum from 28-3-77 till date of final payment and whereas the said sum has not been paid in full, I hereby declare that the sum of Rs. 1148.00 with further interest thereon at the rate of 9½ per cent per annum from 28-3-77 till date of final payment is due from the said Shri Bihari Lal and that the property described in the attached schedule is liable for satisfaction of the said debt.

SCHEDULE

All assets present and to be hereinafter acquired by the loanee whether the said assets are present or in future in his name including books debts, stocks, shares premises and machinery and purchased with the aid of loan or a part thereof and any other personal security of the loanee. Agriculture land comprised in Khata No. 6 Khatauni No. 7 Khasra No 521/401, Khasra No. 66, 68 and 75 Kita 4 measuring 9 kanals 2 marlas and land comprised in Khata No 7, Khatuni No. 8., Khasra No. 524/50, measuring 5 kanals 13 marlas out of which only 3 K. 18 M. is owned by Bihari Lal Total 13 Kanals situated in village Patrail.

A. S. SALUJA,
Zila Udyog Adhikari.

No. Ind/Loan/DIO/1747/4572.—Whereas a notice was served on Shri Bhalkhu Ram s/o Shri Sibbu, Village Katiara, P. O. Kot (Hamirpur) on 20-9-78 under section 23/27 of the Himachal Pradesh State Aid to Industries Act, 1971 calling upon the said Shri Bhalkhu Ram to pay to me the sum of Rs. 285.00 (Rupees Two Hundred Eighty five) with interest thereon at the rate of 7 per cent per annum from 28-3-77 till date of final payment and whereas the said sum has not been paid in full, I hereby declare that the sum of Rs. 1145/- with further interest thereon at the rate of 9½ per cent per annum from 28-3-77 till date of final payment is due from the said Bhalkhu Ram and that the property described in the attached schedule is liable for the satisfaction of the said debt.

SCHEDULE

All assets present and to be hereinafter acquired by the loanee whether the said assets are present or in future in his name including book debts, stocks, shares, premises and machinery and purchased with the aid of loan or a part thereof and any other personal security of the loanee. Land Khatauni No. 2/4, 7/9, 14/119-20, 6/12, 7/13, 9/11 Khasra No. 10, 11, 13, 23, 24, 25, 27, 87, 88, 102, 110, 271, 279, 18, 83, 90, 113, 122, 123, 124, 141/1, 218, 246/1, 31 Kanals 15 Marlas situated in village Dharswan Katiara Khurd 2 Kharoh Tappa Malimorian, Tehsil and District Hamirpur.

A. S. SALUJA,
Zila Udyog Adhikari.

DECLARATION UNDER SECTION 24 OF THE ACT

Hamirpur, the 23rd November, 1978

No. Ind Loan/DIO/1780/4580.—Whereas a notice was served on Shri Rattan Lal s/o Shri Teja Singh, village Kachh, P. O. Bir Beghera on 20-9-78 under section 23/27 of the Himachal Pradesh State Aid to Industries Act, 1971 calling upon the said Shri Rattan Lal to pay to me the sum of Rs. 334/- (Rupees Three Hundred Thirty four) with interest thereon at the rate of 7 per cent per annum from 28-3-77 till date of final payment and whereas the said sum has not been paid in full, I hereby declare that the sum of Rs. 1318.00 with further interest thereon at the rate of 9½ per cent per annum from 28-3-77 till date of final payment is due from the said Shri Rattan Lal and that the property described in the attached schedule is liable for the satisfaction of the said debt.

SCHEDULE

All assets present and to be hereinafter acquired by the loanee whether the said assets are present or in future in his name including book debts, stocks, shares, premises and machinery and purchased with the aid of loan or a part thereof and any other personal security of the loanee. Agriculture land 148 share of land measuring 521 Kanals equal to 10 Kanals 17 Marlas comprised Khata No. 1, Khatuni NO. I, Khasra Nos. 70, 71, and 72 situated in Tika Thati, Mouza Bir Beghera, Tehsil and District Hamirpur.

A. S. SALUJA,
Zila Udyog Adhikari.

लोक निर्माण विभाग
अधिसूचनाएं

शिमला-171003, 13 नवम्बर, 1978

सं० एन०ई०-II-54-1/78/16741-44.—चूंकि हिमाचल प्रदेश के राज्यपाल को यह प्रतीत होता है कि सरकार द्वारा सार्वजनिक प्रयोजन अर्थात् टियोग-कोटखाई-हाटकोटी के निर्माण के लिए सार्वजनिक व्यय पर भूमि ली जानी अपेक्षित है। एतद्वारा यह घोषित किया जाता है कि नीचे विनिर्देश भूमि उपयुक्त प्रयोजन के लिये अपेक्षित है।

2. भूमि अर्जन अधिनियम, 1894 की धारा 6 के उपबन्धों के अधीन सभी सम्बन्धित व्यक्तियों को यह घोषणा की जाती है तथा उक्त अधिनियम की धारा 7 के उपबन्धों के अधीन भू-अर्जन कुलकर्टर हिमाचल प्रदेश लोक निर्माण विभाग एतद्वारा उक्त भूमि के अर्जन के लिए आदेश लेने का निर्देश दिया जाता है।

3. भूमि की रेखाकृति का निरीक्षण भूमि अर्जन समाहर्ता हिमाचल प्रदेश लोक निर्माण विभाग के कार्यालय में किया जा सकता है।

विनिर्देश

ज़िला : शिमला तहसील : टियोग

गांव	खसरा नं०	क्षेत्र विधा	बिस्वा
कून	199/1	0	2
	298/237/1	0	11
	302/205/1	0	6
	302/205/2	0	10
	304/248	0	14
	318/282/1	3	10
	316/256	0	17
	206/249	1	9
	308/250	0	17
	252/1	0	7
	310/253	1	1
	314/255/1	0	4
	322/204/1	1	17
	322/204/2	3	3
	296/200/1	5	12
	326/292/242/1	1	2
	238/1	0	8
	257/1	0	2
	342/208/1	0	6
	240/1	0	2
	332/235/1	1	2
	162/1	0	6
	162/2	1	9
	160/1	0	2
	334/157/1	2	0
	334/157/2	4	4
	336/206/1	1	17
	338/232/1	0	18
	340/233/1	0	18
	207/1	0	1
	231/1	0	3
	158/1	1	0
जोड़	32	40	4

राजस्व विभाग
अधिसूचना

शिमला-3, 13 नवम्बर, 1978

नं० एन०ई०-II-54/1/78-16745-48.—चूंकि हिमाचल प्रदेश के राज्यपाल को यह प्रतीत होता है कि सरकार द्वारा

सार्वजनिक प्रयोजन अर्थात् शालिडा लिक कोटी-जुन्गा मार्ग के निर्माण के लिये सार्वजनिक व्यय पर भूमि ली जानी अपेक्षित है एतद्वारा यह घोषित किया जाता है कि नीचे विनिर्देश में वर्णित भूमि उपयुक्त प्रयोजन के लिये अपेक्षित है।

2. भूमि अर्जन अधिनियम, 1894 की धारा 6 के उपबन्धों के अधीन सभी सम्बन्धित व्यक्तियों को यह घोषणा की जाती है तथा उक्त अधिनियम की धारा 7 के उपबन्धों के अधीन भू-अर्जन कुलकर्टर हिमाचल प्रदेश, लोक निर्माण विभाग को एतद्वारा उक्त भूमि के अर्जन के लिए आदेश लेने का निर्देश दिया जाता है।

3. भूमि की रेखाकृति का निरीक्षण भूमि अर्जन समाहर्ता प्रदेश लोक निर्माण विभाग के कार्यालय से किया जा सकता है।

विनिर्देश

ज़िला : शिमला	खसरा नम्बर	क्षेत्र	विधा	बिस्वा
डवाटो	14/1	0	5	
	68/1	0	7	
	72/1	0	5	
	258/1	0	1	
	15/1	1	14	
	286/1	0	1	
	75/1	0	8	
	116/1	0	10	
	284/1	0	7	
	285/1	0	13	
	138/1	0	7	
	46/1	0	2	
	45/1	0	8	
	62/1	0	2	
	254/1	0	6	
	59/1	0	11	
	255/1	0	12	
	122/1	0	10	
	257/1	0	5	
	47/1	0	11	
	61/1	0	3	
	139/1	0	11	
	123/1	0	12	
	291/1	0	1	
	287/1	0	3	
	288/1	0	1	
	289/1	0	1	
	290/1	0	1	
	293/1	0	1	
	339/323/1	1	1	
	48/1	0	8	
	283/1	0	3	
	280/1	0	4	
	279/1	0	7	
	132/1	0	2	
	131/1	0	1	
	153/1	0	2	
	133/1	0	5	
	154/1	0	7	
	121/1	0	5	
जोड़ कित्ता	40	13	4	

वनवारी लाल शर्मा,

अधीक्षण अभियन्ता,

द्वितीय वृत्त, लोक निर्माण विभाग, शिमला।

भाग 3—अधिनियम, विधेयक और विधेयकों पर प्रवर समिति के प्रतिवेदन, वैधानिक नियम तथा हिमाचल प्रदेश के राज्यपाल, हिमाचल प्रदेश हाई कोर्ट, फाइनेंशियल कमिशनर तथा कमिशनर आफ इन्कम-टैक्स द्वारा अधिसूचित आदेश इत्यादि

INDUSTRIES DEPARTMENT NOTIFICATION

Simla-2, the 7th November, 1978

No. IND(A)3-3/78-Estt.(RPR).—In exercise of the powers conferred by proviso to Article 309 of the Constitution of India and all other powers enabling him in this behalf, the Governor of Himachal Pradesh is pleased to make the Recruitment and Promotion Rules for the Post of Junior Chemist (Tea) Class III (Non-gazetted) in the pay scale of Rs. 160—400, as per Annexure—I to this Notification.

2. These rules shall come into force from the date of their publication in the Rajpatra, Himachal Pradesh.

ANNEXURE I

Sr. No.	Name of Post	No. of Posts	Classification	Pay Scale	Whether selection post or non-selection	Age for direct recruits	Educational and other qualifications for direct recruits	Whether age and educational qualification prescribed for direct recruits will apply in the case of promotees
1	2	3	4	5	6	7	8	9
1.	Junior Chemist (Tea).	3	Class III.	Rs. 160—400	Non-Selection.	18 to 25 years relaxable for S. Cs/S. Tribes candidates.	Essential— B.Sc. 2nd Class with Chemistry. Desirable— Knowledge of customs of Himachal Pradesh and suitability for appointment in the peculiar conditions prevailing in the Pradesh shall be desirable qualification for appointment to the service.	N.A.
Period of probation, if any		Method of recruitment whether by promotion or by direct recruitment or by deputation/transfer and the percentage of the vacancies to be filled by various method		If of recruitment by promotion, transfer, deputation grades, from which promotion/deputation/transfer to be made		If D.P.C. exists what is its composition		Circumstances in which H.P. Public Service commission is to be consulted
10		11		12		13		14
Two years subject to such further extension not exceeding one year as may be ordered by the competent authority in special circumstances and for the reasons to be recorded in writing.		100% by direct recruitment.		N.A.		D.P.C. for Class III posts.		As required under the law

Foot Note.—Nothing in these rules shall affect reservations and other concessions required to be provided for Scheduled Castes/Scheduled Tribes and other special categories of persons in accordance with the orders issued by the Government from time to time in this regard.

By order,
R. C. GUPTA.
Commissioner and Secretary.

CO-OPERATION DEPARTMENT

NOTIFICATION

Simla-171002, the 7th October, 1978

No. Cop-A(3)-5/76.—In exercise of the powers conferred by proviso to Article 309 of the Constitution of India, and all other powers enabling him in this behalf, the Governor, Himachal Pradesh, with the prior concurrence of the Himachal Pradesh, Public Service Commission, is pleased to make the following rules to amend further the Recruitment, Promotion and Conditions of Class-II Service Rules for the post of Superintendent, Co-operative Directorate notified vide this Department notification of even number, dated 2-3-78, namely:—

1. *Short title and commencement.*—(i) These Rules may be called the Co-operative Department Class-III Service (Recruitment, Promotion and Conditions) Rules, 1978, for the post of Superintendent.

(ii) They shall come into force with immediate effect.

2. *Amendment.*—(1) The words "Class-III Service (Recruitment, Promotion and Conditions) Rules" for the post of Superintendent shall be substituted for the words "Class-II Service (Recruitment, Promotion and Condition) Rules" where ever the words appear in this Department notification No. Cop-A(3)-5/76, dated the 2nd March, 1978, and in Annexure 'A' appended to the said notification.

(2) In column No. 3 of Annexure 'A' appended to the rules *ibid*, the words, "Class-II (Gazetted)" shall be substituted by the words, "Class-III".

(3) In column No. 4 of the said Annexure, the figures, "500-900" shall be read as figures, "400-650".

(4) Foot-Note "Departmental Examination" added to the above annexure is hereby deleted.

By order,

ANANG PAL,
Secretary.

TRIBAL DEVELOPMENT DEPARTMENT

NOTIFICATION

Simla-171002, the 4th November, 1978

No. PLG(A)-4-5/78-TD.—In exercise of the powers vested in him under sub-paragraph (3) of the paragraph

4 of the Fifth Schedule to the Constitution of India, the Governor, Himachal Pradesh is pleased to make the following amendments in the Himachal Pradesh Tribes Advisory Council Rules, 1976:—

1. *Short title and commencement.*—(i) These rules may be called the H.P. Tribes Advisory Council (Second Amendment) Rules, 1978.

(ii) These shall come into force at once.

2. *Amendment to Rule 3.*—In sub-rule (1) of rule 3 of the Himachal Pradesh Tribes Advisory Council Rules, 1976 (hereinafter called the said rules) the following amendments shall be made, namely:—

(a) for the word "twelve" the word "fourteen" shall be substituted; and

(b) after existing clause (ii), the following clauses (iii) and (iv) shall be inserted and the existing clauses

(iii), (iv) and (v) shall be renumbered as (v), (vi) and (vii) respectively:—

(iii) The Minister Incharge, Member.
Tribal Development Department.

(iv) Member of the Lok Sabha Member.
Representing Tribal Areas.

3. *Amendment to Rule 5.*—For the existing sub-rule (1) of rule 5 of the said rules, the following sub-rule (1) shall be substituted namely:—

"(1) Subject to the provisions of rule 6 & 7, a member who is a representative of the Scheduled Tribes for the Lok Sabha or the Assembly under clause (iv) or clause (v) of sub-rule (1) of rule, 3 shall continue to hold office of the member of the Council during the tenure of his membership of the Lok Sabha or the Assembly, as the case may be."

4. *Amendment to Rule 32.*—In sub-rule (1) of Rule 32 of the said rules after the words "as a member of the Assembly" the words "or as a member of the Lok Sabha" shall be inserted.

By order,

M. S. MUKHERJEE,
Secretary-cum-Commissioner.

भाग 4—स्थानीय स्वायत्त शासन: म्युनिसिपल बोर्ड, डिस्ट्रिक्ट बोर्ड, नोटिफाइड ग्रौर टाउन एरिया तथा पंचायती राज विभाग

शून्य

भाग 5—व्यक्तिक अधिसूचनाएं और विज्ञापन

बमशालत जनाव डिस्ट्रिक्ट जज बहादुर, ऊना

मुकदमा नं० सी० ए० 11/77

कांथ बनाम उजागरमैन

बनाम 4 ईस्वरी देवी पत्नी बाबू राम जोशी

5. वन्तो पत्नी राम किशन

6. मधन देवी पत्नी तेलु राम

8. तरलोचन चन्द पुत्र न मालूम

9. स्वचरता कुमारी पुत्री चुहू राम

10. सन्तोष कुमारी पुत्री चुहू राम

11. उषमी देवी पत्नी बिहारी लाल

12. मै वैकुण्ठी देवी पत्नी हरी राम ।

उपरोक्त मुकदमा उनवान बाला में मुहालय को कई बार अदालत हजा से समन जारी किए गए मगर अदालत हजा में हाजिर नहीं हो रहे हैं अतः उपरोक्त समस्त मुहालय को बजरिया इस्तहार जेर आर्डर 5, रूल 20, सी० पी० सी० सूचित किया जाता है कि वे दिनांक 15-12-78 समय दस बजे दिन मुकाम ऊना अदालतन व वकालतन अदालत हजा में हाजिर होकर पैरवी मुकदमा करें वरना कार्यवाही यकतरफा अमल में लाई जावेगी ।

आज दिनांक 30-11-78 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ ।

मोहर ।

हस्ताक्षरित,
डिस्ट्रिक्ट जज, कैम्प ऊना ।

PROCLAMATION UNDER ORDER 5, RULE 20 C.P.C.

In the Court of Shri M. R. Verma, Senior Sub-Judge,
Simla, District Simla, H. P.

Suit No. 104/1/1976

M/s Rai Singh, Roshan Lal Negi and others
..Plaintiff.

Versus

Bawa Anup Singh and others ..Defendants.

To
1. Shri Surjeet Singh Bawa s/o Anup Singh,
2. Shri Rajinder Bawa alias Rajoo s/o Bawa Anup Singh, Minors through their mother Smt. Kanta Bawa w/o Shri Bawa Anup Singh r/o Pathankot, c/o M/s Simla Timber Traders, Pathankot, (Punjab).

Whereas in the above noted case, it has been proved to the satisfaction of the court that the above noted defendant, is evading the service of the summons and can not be served in the normal course of the service. Hence, this proclamation is hereby issued against them to appear in this court on the date fixed for hearing on 19-12-1978 at 10 A.M. personally or through an authorised agent or pleader to defend the case, failing which *ex parte* proceedings will be taken against him.

Given under my hand and the seal of the court this 27th day of November, 1978.

Seal. M. R. VERMA,
Senior Sub-Judge Simla.

PROCLAMATION UNDER ORDER 5, RULE 20,
OF C. P. C.

In the Court of Shri J. L. Gupta, Sub Judge 1st Class
Kangra, Himachal Pradesh

CASE No. 79/77

In case Rirku Versus Parshotam Singh etc.
Versus:—Ravi Parkash, 2. Shashi Parkash, 3. Sushil Kumar sons of Piyate Lal 4. Joginder Kumar son of Mangat Ram 5. Krishan Dutt son of Hira Lal all resident of Tika, Rasuh, Mauza Kothar, Tehsil Kangra Defendants.

Whereas in the above noted case, it has been proved to the satisfaction of this court that the above noted defendants are evading the service of the summons and cannot be served in the normal course of the service. Hence this proclamation is hereby issued against them to appear in this court on the date fixed for hearing on 2-1-1979 at 10 A.M. personally or through an authorised agent or pleader to defend the case, failing which *ex parte* proceedings will be taken against them.

Given under my hand and the seal of the court this 22nd day of November, 1978.

Seal. J. L. GUPTA,
Sub-Judge, 1st Class, Kangra.

PROCLAMATION UNDER ORDER 5, RULE 20, C.P.C.

In the Court of Shri Janeshwer Goyal, Sub-Judge, 1st Class,
Rampur Bushahar, District Simla (H.P.)

M/s Jagan Jath Kuthia, Commission Agent Ganj Road through L. Khushi Lal Sud, Managing partner. ..D. H.

Versus

Shri Pinnu Ram

Ex. No. 15-10/77 EXECUTION Rs. 1327.16 Paise.
To

Shri Pinnu Ram, Shopkeeper, Village Naghadhar via Thanadhar S. T. Kumarsain, District Simla, Himachal Pradesh ..J. D.

Whereas in the above noted case, it has been proved to the satisfaction of the court that the above noted J. D. is evading the service or the summons and cannot be served in the normal course of the service. Hence, this proclamation is hereby issued against him to appear in this court on the date fixed for hearing on 16-12-78 at 10 A.M. personally or through an authorised agent or pleader to defend the case, failing which *ex parte* proceeding will be taken against him.

Given under my hand and the seal of the court this 18th November, 1978.

Seal. JANESHWER GOYAL.
Sub-Judge, 1st Class,
Rampur Bushahar.

बयदालन जनाब तहनीलदार-कम-सब-रजिस्ट्रार, कांगड़ा

केस नं० 18 आक 1978

बमुकदमा दरखास्त बराये रजिस्ट्री करवाने बसीयतना कोरा देवी देवा हीरा लाल, बानी रेहलू, तहनील कांगड़ा।

बनाम

सर्व जनता

बमुकदमा उनवान बाला में श्रीमती सर्वणा देवी पत्नी किशोरी लाल बासी रेहलू ने दरखास्त जेर बारा 40/41 एकट रजिस्ट्रेशन बराये रजिस्ट्री करवाने बसीयत नामा उपरोक्त अदालत हजा में बी है अतः बजरिया नोटिस सर्व जनता को सूचित किया जाता है कि अगर किसी मनुष्य को इस बसीयत को रजिस्ट्री होने में कोई उजर हो तो वह मिति 16-12-78 को असालतन या बकालतन समय 10 बजे दिन के बमुकाम कांगड़ा हाजर आकर करें।

आज मिति 6-11-78 को हमारे दस्तखत व मोहर अदालत से जारी हुआ।

मोहर।

राजेश्वर कुमार,
तहनीलदार-कम-सब-रजिस्ट्रार,
कांगड़ा।

अदालत जनाब तहनीलदार-कम-सब-रजिस्ट्रार कांगड़ा

केस नं० 19 आक 1978

बमुकदमा दरखास्त जेर बारा 40/41 एकट रजिस्ट्रेशन 1908 बराये रजिस्ट्री करवाने बसीयत नामा किरहू पुत्र राक्षा बासी सदरपुर, मौजा रजयाना, तहनील कांगड़ा।

बनाम

सर्व जनता

बमुकदमा उनवान बाला में श्री हुनो पुत्र राक्षा बासी सदरपुर ने दरखास्त बराये रजिस्ट्री करवाने बसीयत नामा उपरोक्त अदालत हजा में दो है अतः बजरिया नोटिस सर्व जनता को सूचित किया जाता है कि अगर किसी मनुष्य को इस बसीयत को रजिस्ट्री होने में कोई उजर हो तो वह मिति 16-12-78 को असालतन या बकालतन हाजर अदालत बमुकाम कांगड़ा 10 बजे सुबह करें।

मिति 6-11-78

मोहर।

राजेश्वर कुमार,
तहनीलदार-कम-सब-रजिस्ट्रार,
कांगड़ा।

बम्बुवालत जनाब तहसीलदार साहब, सब-रजिस्ट्रार, कांगड़ा

बनाम

केस नं० 20 आफ 1978

सर्व जनता

बम्बुहमा दरखास्त जेर घारा 40/41 एक्ट रजिस्ट्रेशन, 1908 बराये रजिस्ट्री करवाने वसीयतनामा श्री भगतसिंह पुत्र निहाला, वासी सकाऊ, मौजा रेहनू, तहसील कांगड़ा।

बनाम

सर्व जनता

बम्बुहमा उनवान वाला श्री अमर सिंह पुत्र भगत सिंह, वासी सकाऊ, मौजा रेहनू ने दरखास्त जेर घारा 40/41 एक्ट मजकूर बराये रजिस्ट्री करवाने वसीयत नामा अदालत हुजा में दी है। अतः बजरिया नोटिस सर्व जनता को सूचित किया जाता है कि अगर किसी मनुष्य को इस वसीयत की रजिस्ट्री होने में कोई उजर हो तो वह असालतन या बकालतन हाजिर अदालत मिति 16-12-78 को 10 बजे मुबह बमुकाम कांगड़ा आकर करे।
मिति 6-11-78।

मोहर।

हस्ताक्षरित,
सब-रजिस्ट्रार,
कांगड़ा।

ब अदालत जनाब सब-रजिस्ट्रार, कांगड़ा

केस नं० 21 आफ 1978

बम्बुहमा दरखास्त जेर घारा 40/41 एक्ट रजिस्ट्रेशन, 1908 बराये रजिस्ट्री करवाने वसीयतनामा चौधरी पुत्र हुकमी, वासी रजयाना, तहसील कांगड़ा।

बनाम

सर्व जनता

बम्बुहमा उनवान वाला सन्त राम पुत्र चौधरी, वासी रजयाना ने दरखास्त जेर घारा 40/41 एक्ट रजिस्ट्रेशन बराये रजिस्ट्री करवाने वसीयत नामा अदालत हुजा में दी है। अतः बजरिया नोटिस मुसम्मो ब मुनादी सर्व जनता को सूचित किया जाता है कि अगर किसी मनुष्य को इस वसीयत की रजिस्ट्री होने में कोई उजर हो तो वह असालतन या बकालतन मिति 16-12-78 को हाजिर अदालत बमुकाम कांगड़ा आकर 10 बजे मुबह करे।
मिति 6-11-78।

मोहर।

हस्ताक्षरित,
उप-पंजीयक,
तहसील कांगड़ा।

ब अदालत जनाब सब-रजिस्ट्रार कांगड़ा, तहसील कांगड़ा

केस नं० 22 आफ 1978

बम्बुहमा दरखास्त जेर घारा 40/41 एक्ट रजिस्ट्रेशन, 1908 बराये रजिस्ट्री करवाने वसीयत नामा छजू राम पुत्र किदारू, वासी बीरता, तहसील कांगड़ा।

बम्बुहमा उनवान वाला श्री सीता राम पुत्र छजू राम, वासी बीरता ने दरखास्त जेर घारा 40/41 एक्ट रजिस्ट्री बराये रजिस्ट्री करवाने वसीयत नामा उपरोक्त अदालत में दी है। अतः बजरिया नोटिस सर्व जनता को सूचित किया जाता है कि अगर किसी मनुष्य को इस वसीयत की रजिस्ट्री होने में कोई उजर हो तो वह मिति 14-12-78 को हाजिर अदालत आकर 10 बजे मुबह असालतन या बकालतन आकर करे।

मिति 6-11-78।

मोहर।

हस्ताक्षरित,
उप-पंजीयक,
तहसील कांगड़ा।

ब अदालत जनाब सब-रजिस्ट्रार कांगड़ा, तहसील कांगड़ा

केस नं० 23 आफ 1978

बम्बुहमा दरखास्त जेर घारा 40/41 एक्ट रजिस्ट्रेशन, 1908 बराये रजिस्ट्री करवाने वसीयत नामा कलासो देवी पत्नी धनी राम, वासी रजौल, तहसील कांगड़ा।

बनाम

सर्व जनता

बम्बुहमा उनवान वाला श्री रोशन लाल पुत्र बेसी राम, वासी अबदुलापुर ने दरखास्त जेर घारा 40/41 एक्ट रजिस्ट्रेशन बराये रजिस्ट्री करवाने वसीयत नामा उपरोक्त अदालत हुजा में दी है। अतः बजरिया नोटिस सर्व जनता को सूचित किया जाता है कि अगर किसी मनुष्य को इस वसीयत की रजिस्ट्री होने में कोई उजर हो तो वह असालतन या बकालतन मिति 15-12-78 हाजिर हो कर करे।
मिति 28-11-78।

मोहर।

हस्ताक्षरित,
सब-रजिस्ट्रार,
जिला कांगड़ा।

इस्तहार जेर आर्डर 5, रूल 20, सी0पी0 सी0

बअदालत श्री गिरधारी लाल शर्मा बख्तियारात ए0सी0 आई0जी0 देहरा, जिला कांगड़ा, हिमाचल प्रदेश

मिमल नं० 150-टी आफ 1976-77

फुंगर आदि

बनाम

जम्बा आदि

दावा तकसीम भराजी खाता नं० 27, रकबा 91 क० 13 म० वाक्या टीका हरि, मौजा महादेव, तहसील देहरा।

उपरोक्त मुकद्दमा में सर्वश्री जम्बा पुत्र गण्डा, मान चन्द पुत्र नैमदी, ब्रिजलाल पुत्र होशनाकी, किरटू लटको पिसरान साहणू, राम मिह, नाल चन्द, घुनार तथा सालीयाम पिसरान चौधरी, सकना हरि, मौजा महादेव, तहसील देहरा, जिला कांगड़ा प्रतिवादी हैं। इनको तामील साधारण तरीका से होना कठिन है। क्योंकि यह प्रतिवादीगण बिना पता बाहर रहते हैं।

अतः उपरोक्त प्रतिवादीगण सकना हरि, मौजा महांदेव को बजरिया इस्तहार सूचित किया जाता है कि वे दिनांक 20-12-78 को सुबह 10 बजे असालतन या बकालतन हाजर होकर पैरवी मुकद्दमा करें अन्यथा इन के विरुद्ध कार्रवाई एक तरफा अमल में लाई जावेगी।

आज दिनांक 28-11-78 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

गिरघारी लाल,

ए० सी० आई० जी०, देहरा गोपीपुर।

आज दिनांक 28-11-78 को हमारे हस्ताक्षर व मांहर अदालत से जारी हुआ।

गिरघारी लाल,

ए० सी० आई० जी०, देहरा गोपीपुर।

बअदालत जनाब स्वयं राम, नायब-तहसीलदार, बअशख्यारान सहायक समाहर्ता द्वितीय श्रेणी, बड़सर, जिला हमीरपुर

बैहो राम बनाम आसा राम

इस्तहार जेर आईर 5, रूल 20, सी० पी० सी०

बअदालत श्री गिरघारी लाल वर्मा, तहसीलदार ए० सी० आई० जी०, देहरा, जिला कांगड़ा, हिमाचल प्रदेश

मिसल नं० 160-टी० माल 1976-77

जैसी राम बनाम रसीला आदि

दावा तकसीम अराजी खाता नं० 91 रकबा तादादी 1-76-19 हेक्टेयर बाक्या टीका बंगोली निचली, तहसील देहरा।

उत्तरवातः—दरखवास्त बमुराद दहस्ती इन्नाज कांगजान माल निम्नत अराजी मन्दर्जा खाता नं० 18 मिन खतीनी नं० 33 खसरा नम्बरान 335-337 किता 2 रकबा 1 क० 2 म० जमेह खाज बाछ अनुमार जमाबंदी 1973-74 बाक्या टीका पपलोहल हजाक मौजा डटवाल, तहसील बड़सर।

नोटिस बनामः—1. जमादार आसाराम पुत्र नामालूम, 2. कर्मसिंह 3. लक्ष्मी चन्द, 4. बलदेव सिंह, 5. सुरजीन सिंह पिसरान आसाराम, 6. शेर सिंह, 7. दलवीर सिंह, 8. जै चन्द, 9. मरूप सिंह पिसरान नरंग, 10. किरपा, 11. पोहलो, 12. अमर सिंह पिसरान नामालूम अकबाम राजपूत, साकनान टीका पपलोहल हजाक, मौजा डटवाल, तहसील बड़सर, जिला हमीरपुर

मसूनअल्लहम।

उपरोक्त मुकद्दमा में सर्वश्री जयलाल पुत्र सन्ता व श्रीमती केसरी देवी बेवा बरडू पुत्र गणू सकना बंगोली निचली, तहसील देहरा, जिला कांगड़ा में प्रतिवादीगण हैं। इनकी तामील साधारण तरीका से होनी कठिन है क्योंकि जय लाल बिला पता बाहर मुलाजमत करता है और श्रीमती केसरी देवी बेवा बरडू लापता है।

अतः उपरोक्त प्रतिवादीगण सकना बंगोली निचली, तहसील देहरा को बजरिया इस्तहार सूचित किया जाता है कि वे दिनांक 18-12-78 को सुबह 10 बजे हाजर अदालत आवें। अदालत में असालतन या बकालतन हाजर होकर पैरवी मुकद्दमा करें अन्यथा इन के विरुद्ध कार्रवाई एक तरफा अमल में लाई जावेगी।

बमुकद्दमा उपरोक्त उत्तरवात वाला में श्री आसा राम आदि फरीक दोयम को कई बार अमल जारी किए गए मगर वह हाजिर अदालत नहीं हो रहे हैं। अतः अब उन्हें बजरिया इस्तहार अखवार सूचित किया जाता है कि वह बराए पैरवी दरखवास्त अमालतन या बकालतन हमारे न्यायालय हजाक में तिथि 14-12-78 सुबह 10 बजे हाजिर आवें अन्यथा कार्यवाही जायता अमल में लाई जावेगी।

आज तारीख 23-11-78 को मेरे हस्ताक्षर व मोहर अदालत से जारी किया गया।

मोहर।

स्वयं राम,

सहायक समाहर्ता, द्वितीय श्रेणी, बड़सर, जिला हमीरपुर।

भाग 6—भारतीय राजपत्र इत्यादि में से पुनः प्रकाशन

शून्य

भाग 7—भारतीय निर्वाचन आयोग (Election Commission of India) की वैधानिक अधिसूचनाएं तथा अन्य निर्वाचन सम्बन्धी अधिसूचनाएं

निर्वाचन विभाग

भारत निर्वाचन आयोग

अधिसूचना

अधिसूचना

शिमला-171002, 27 अक्टूबर, 1978

निर्वाचन सदन,

संख्या 3-20/78-इलैक.—भारत निर्वाचन आयोग की अधिसूचना संख्या 82/हि० प्र० 2/78, दिनांक 27 सितम्बर, 1978, जिस में 1977 की निर्वाचन याचिका संख्या 2 पर हिमाचल प्रदेश उच्च न्यायालय का निर्णय अन्तर्विष्ट है, जन-साधारण की सूचनार्थ प्रकाशित की जाती है।

आदेश से,
हरि शंकर दुबे,
मुख्य निर्वाचन अधिकारी,
हिमाचल प्रदेश।

अशोक मार्ग, नई दिल्ली-110001,
तारीख 27 सितम्बर, 1978।

संख्या 82/हि० प्र० 2/78.—लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 106 के अनुसरण में, निर्वाचन आयोग 1977 की निर्वाचन अर्जी संख्या 2 में हिमाचल प्रदेश उच्च न्यायालय के तारीख 10-7-78 का निर्णय एतद्द्वारा प्रकाशित करता है।

Copy of Judgment delivered on July 10, 1978 by the Hon'ble Mr. Justice C.R. Thakur, J. in Election Petition No. 2 of 1977, titled:—

Shri Jagat Singh Negi, Advocate, son of Shri Sukh Ram Negi, resident of Mohalla Rani Tal, Nahan, District Sirmur, Himachal Pradesh .. Petitioner.

Versus

1. Thakur Guman Singh son of Shri Singa Singh, resident of village Kando Cheog, Tehsil Paonta, District Sirmur, Himachal Pradesh.
2. Shri Shobha Ram Sharma, son of Shri Siri Ram, Sadho Ram Inter College, Dehra Dun, Uttar Pradesh.
3. Shri Jaggi Sharma, son of Shri Rangi Lal, resident of village Nageta, Tehsil Paonta, District Sirmur, Himachal Pradesh.
4. Shri Rattan Singh, son of Shri Uday Ram, village Shakhauli, Tehsil Renuka, District Sirmur, Himachal Pradesh.
5. Shri Chandan Sharma, resident of village Nauna Bhatwar, Sub-Tehsil Shillai, District Sirmur, Himachal Pradesh.
6. Shri Sahi Ram, resident of village Dhakauli, Sub-Tehsil Shillai, District Sirmur, Himachal Pradesh.
7. Shri Mam Raj, resident of village Rajpur Amboya, Tehsil Paonta, District Sirmur, Himachal Pradesh .. Respondents.

COPY OF JUDGMENT

IN THE HIGH COURT OF HIMACHAL PRADESH SIMLA-1

Election Petition No. 2 of 1977

Date of Decision July 10, 1978

Shri Jagat Singh Negi, Petitioner through Shri Chhabil Dass,

Versus

Thakur Guman Singh, etc. Respondent(s) through Shri Indar Singh Advocate.

For approval and signature.

The Hon'ble Mr. Justice C. R. Thakur.

The Hon'ble Mr. Justice

1. Whether approved for reporting? No.
2. Whether there are remarks about the quality of the Judgment of the Court or Officer?

.. Co-rom

C. R. THAKUR, J.

This election petition has been filed by Shri Jagat Singh Negi, who was a candidate from 17-Shillai Constituency, District Sirmur, to the Legislative Assembly of Himachal Pradesh during the elections held in June, 1977. The other contesting candidates from this constituency were Sarvshri Guman Singh, Shobha Ram, Jaggi and Rattan Singh (respondents 1 to 4). Respondents 5 to 7 had also filed their nominations but withdrew the same. The elections were held on 10th June, 1977, the counting started on 14th June, 1977 at 8 A.M. and the results were announced at 23-30 hours, i.e. 11.30 P.M. on the same date. The petitioner got 5899 votes, whereas respondent got 5,994 votes. Respondent No. 1 was declared elected.

The petitioner has challenged the election of Shri Guman Singh (Respondent No. 1) on a number of grounds as detailed in paras 5 to 8 of the petition. In para 5(a) he had taken up the ground that respondent No. 1 on 3rd June, 1977 administered oath to the voters in the temple of Shiva in village Sharli Manpur and thereby he exercised undue influence on the voters, who were made to believe that the persons to whom the oath had been given will become or will be rendered an object of a divine displeasure or spiritual censure in case they broke their oath. In sub-para (b) of para 5, a similar oath was alleged to have been given on 5th June, 1977 in the temple of Shiva in village Bali. In sub-para (c) also a similar oath was alleged to have been administered in village Chambiara in the temple of Shiva on 8th June, 1977. In para 6 the petitioner had made allegations of publishing a statement of fact by respondent No. 1 which was false and which

respondent No. 1 believed to be false in relation to the candidature of respondent No. 1. In para 7 the petitioner had pleaded that respondent No. 1 was guilty of publication of, either himself or his agent or by other persons with his consent, statement of facts which were false, which they either believed to be false or did not believe to be true in relation to the personal character or conduct of the petitioner, and then in sub-para (a) to (c) he had mentioned the publication of those statements of facts by the respondent's agents in different villages on different dates. In para 7-A, it was alleged that respondent No. 1 was also guilty of committing a corrupt practice of having procured the assistance of Nand Ram and Kanshi Ram Patwaris, who were revenue officers as defined in clause (f) of section 123(7) of the Representation of the People Act (hereinafter called the Act). In para 8 it had been contended that the result of the election had been materially effected by the acceptance of nomination papers of respondent No. 2, Shri Shobha Ram.

It was also averred that the difference of votes was only 95. There were as many as 240 invalid votes. The Returning Officer immediately after the completion of the counting of votes announced the result and declared respondent No. 1 elected without even waiting for a single second for the petitioner to raise objections in writing. The petitioner orally objected but the Returning Officer asked the petitioner to file an application. He did file an application. He further submitted that many of the invalid votes exceeding 100 in principle were polled in favour of the petitioner which were wrongly rejected, and, at Table No. 13 there was a shortage of one vote which demonstrated that the counting was not being done properly. Many votes which clearly indicated that the votes were in favour of the petitioner were rejected and those votes were more than about 100. If those 100 votes illegally rejected cast in favour of the petitioner had not been rejected the petitioner would have been declared elected as he would have secured more votes than respondent, No. 1 and as such the petitioner is entitled to be elected. He, therefore, made the following prayers:

- (a) Declare the election of respondent No. 1 from the Shillai constituency to the Himachal Pradesh Legislative Assembly as void;
- (b) Declare the petitioner to have been elected to the Himachal Pradesh Legislative Assembly from the 17-Shillai constituency;
- (c) Disqualify respondent No. 1 from contesting the elections for a period of 6 years for having committed corrupt practices as defined under section 123 of the Representation of People Act; and
- (d) Costs of the petition may also be ordered to be awarded to the petitioner."

The respondents other than respondent No. 1 did not appear and hence *ex-parte* proceedings were ordered against them. The respondent No. 1 filed his written statement contesting the petition and raised a number of preliminary objections which gave rise to the following preliminary issues framed on 24-10-1977;

1. Whether the respondents Nos. 5 to 7 are not necessary parties to the present petition. If so, what is its effect? OPR No. 1.
2. Does the petition not contain the necessary particulars as envisaged under section 83 of the Representation of Peoples Act, 1951? If so, what is its effect? OPR No. 1.
3. Whether the affidavit filed by the petitioner is not proper as contemplated by law. If so, what is its effect? OPR No. 1.
4. Whether the petitioner suffers from vagueness, indefiniteness and evasiveness as mentioned in para 4 of the preliminary objections. If so, what is its effect? OPR No. 1."

By my order, dated 1st November, 1977, I disposed of the preliminary issues. On issue No. 1 it was held that respondents 5 to 7 were not necessary parties and their names were ordered to be struck off from the array of the respondents. On issues 2 and 4 it was held that the

allegation as contained in various sub-para of para 5 were quite definite and the respondent cannot be said to be left in doubt as to what case the respondent was to meet. However it was further held that the petitioner had not furnished the particulars as required under clause (b) of sub-section (1) of section 83. He had not given the parentage as also the residence of the persons whose names he had given and to whom oath was administered to vote for him, besides several other persons, whose names he did not know and for that the petitioner was directed to furnish the necessary particulars. However this Court held that the allegations as contained in para 6 were vague, indefinite and incomplete and, therefore, that statement which did not conform to the requirements of sub-section 1(1)(a) of section 83 of the Act could not be permitted to stand and were ordered to be struck off. In respect of para 7 of the petition it was held that the petitioner had not shown as to who were the persons present in the meeting which was addressed by Telu Ram Pradhan as also by Main Singh and Amar Singh as mentioned in this para. He had not furnished the names of the persons to whom this publication of the statement, which was false, was made and he was required to furnish the names of the persons to whom the accusation was made. In respect of para 7A, also it was held that the petitioner had not given the names of the persons amongst whom they worked and canvassed. In respect of paras 8 and 9 it was held that the matter contained therein did not fall within the purview of section 100(1)(d)(i) and (iv) of the Act of 1950 and as such they were ordered to be deleted.

On issue No. 3 this Court held that the affidavit was defective and he was directed to file an amended affidavit along with an amended petition. In the result, paras 6, 8 and 9 were ordered to be deleted and the names of respondents 5 to 7 were also ordered to be struck off and the petitioner was directed to furnish particulars in respect of the persons to whom the alleged religious oath was given as mentioned in para 5 as also the names of the persons in paras 7 and 7A of the petition. He was also directed to furnish the names and parentage, etc. of those persons and also to file an amended affidavit.

The petitioner in compliance with the order of the Court dated 1st November, 1977 filed an amended petition. The respondent No. 1 filed his written statement to the amended petition and in that he again raised a preliminary objection that the petition had not been amended in accordance with the orders of the Court. But this objection was over-ruled by this Court by its order, dated 5th January, 1978. Thereafter on the pleadings of the parties the following issues were framed:

1. Whether respondent No. 1 or other persons with the consent of respondent No. 1 committed the corrupt practice of exercising undue influence as detailed in para 5(a), (b) and (c) of the petition? (OPP).
2. Whether respondent No. 1 or other persons with his consent committed the corrupt practice of making false statements relating to the personal character and conduct of respondent No. 1 as detailed in para 6(a), (b) and (c) of the petition which statements were false or the persons making the same believed the same to be false and whether such statements were reasonably calculated to prejudice the election prospects of the petitioner? (OPP).
3. Whether respondent No. 1 has committed the corrupt practice of procuring the assistance of Government servants as defined in sub-section (6) of section 123 of the Representation of People Act in furtherance of his election prospects as detailed in para 7 of the petition? (OPP).
4. Whether there had been any illegality or irregularity in the counting of votes, if so, is the petitioner entitled to get the same re-counted? (OPP).
5. Is the petitioner entitled for the declaration that he has been duly elected from the constituency? (OPP).

6. Relief.

The parties led their evidence in support and rebuttal of the issues.

The petitioner examined 11 witnesses including himself besides documentary evidence, whereas the respondent No. 1 examined 14 witnesses including himself besides putting in some documentary evidence.

After the conclusion of the evidence the learned counsel for the parties addressed their arguments. I have considered the arguments and have also gone through the evidence and my findings issue-wise are as under:

ISSUE NO. 1:

This issue covers the allegations of corrupt practices of exercising undue influence as detailed in paras 5(a), (b) and (c). In sub-para (a) the petitioner had alleged that "Respondent No. 1 on 3rd June, 1977 in the temple of Shiva in village Sharli Manpur committed the corrupt practice of undue influence. inasmuch as the aforesaid respondent No. 1 gave religious oaths to various persons to vote for respondent No. 1, which act was made or attempted to make believe that the persons to whom the oath had been given will become or will be rendered an object of a divine displeasure or spiritual censure in case they broke their oath." out of the gathering of 30/40 persons to whom the oath was administered he knew the names of Sarvshri Panch Ramson of Nant Ram of village Sharli, Tehsil Paonta, Mohar Singh son of Bhup Singh of village Sharli, Mundi Ram son of Nandru, resident of village Guddi (Manpur) in Tehsil Paonta and Khatri Ram son of Suiya Ram, resident of village Sharli, Tehsil Paonta. The reply was that of denial. It was pleaded that neither on 3-6-1977, nor on any other date respondent No. 1, went to the temple of Shiva in village Sharli Manpur and committed any corrupt practice of undue influence as alleged. Further it was stated that the persons stated in this sub-para are the persons of the petitioner and have been actuated simply to support his case.

In this behalf out of the four persons whose names had been mentioned by the petitioner to be present in that gathering to whom this religious oath was administered he has examined only Panch Ram as PW-7, whereas out of those four persons the respondent has examined Mohar Singh as RW-5 and Khatri Ram as RW-6. Although Mohar Singh, Mundi Ram and Khatri Ram were also cited as witnesses by the petitioner and were present in the Court but were given up by him as would be apparent from my order, dated 9th May, 1978 and, therefore, Mohar Singh and Khatri Ram have been examined by the respondent. Now we are only left with the statement of Panch Ram for the proof of this allegation as contained in para 5(a) of the petition. Panch Ram (RW-7) has testified to the fact that on 3rd June, 1977 there was a meeting convened by Kalyan Singh, Ratti Ram, Motu Ram and Rattan Singh in the temple of Lord Shiva in their village. Shri Guman Singh was also there with them. The meeting was convened at 12.00 noon. The gathering consisted of 30 to 40 persons of that village. Then salt was put in the Lota full of water and then they were asked to vote for Shri Guman Singh and not for Jagat Singh. He has, however, stated that the belief in their areas is that if a person does not abide by the oath taken, then he is visited with evil consequences in the manner as the salt gets dissolved in the water. It is the wrath of Lord Shiva which visits that person with evil consequences if he resiles from the oath. In cross-examination he stated that the oath was given in the following form:

"Ke Jagat Singh ko vote nahin dena".

Besides this no other form of oath was given. He is silent as to who administered this oath, whereas in the petition it is stated that respondent No. 1 gave the oath. Therefore, the statement of this witness is in conflict with the averment made in sub-para (a) of para 5 of the petition. This averment as contained in para 5(a) is based on the information given to the petitioner by Panch Ram, Mohar Singh, Mundi Ram and Khatri Ram. So this averment as contained in the petition, therefore,

remains unproved. The petitioner himself in his statement has stated that he has got no personal knowledge. Before this Court Panch Ram has not stated if the oath was given either by the respondent or by Kalyan Singh, Motu Ram, Ratti Ram or Rattan Singh. Even if the oath may have been given by these persons then it was incumbent upon the witness to have proved that oath was administered by these persons with the consent of respondent No. 1 if the same was not administered by respondent No. 1, himself, but there is no such proof. Section 123 of the Act deals with corrupt practices, sub-section (2) of section 123 deals with undue influence. Sub-section 2(a) (ii) says that if a person induces or attempts to induce a candidate or an elector to believe that he or any person in whom he is interested, will become or will be rendered an object of divine displeasure or spiritual censure, shall be deemed to interfere with the free exercise of the electoral right of such candidate or elector within the meaning of his clause. Under sub-section (2) it is stated that undue influence is any direct or indirect interference or attempt to interfere on the part of the candidate or his agent, or of any other person (with the consent of the candidate or his election agent) with the free exercise of any electoral right. So, the most important ingredient is that if the corrupt practice is attributed to any other person then it must be shown that it was with the consent of the candidate or his election agent, but there is nothing on the record to establish this fact that this oath was administered by any of these persons, i.e., Kalyan Singh, Ratti Ram, Rattan Singh and Motu Ram with the consent of the petitioner. Further the oath that was administered is only: "Ke Jagat Singh ko vote nahin dena", and if that is the only oath then it does not fall within the mischief of sub-section 2 (a)(ii) of section 123 of the Act because that is no offence under the election law. However, it is contended by the learned counsel for the petitioner that there is a belief in their area that if salt is put in the tumbler full of water then it is implied that for breach of the oath the person who has made the breach will also dissolve in the manner the salt is dissolved in the water. That may be so that this practice is there but the fact remains that it is not proved if this oath was given by respondent No. 1 or by other persons who accompanied him and if they administered the oath whether they were duly authorised by the respondent. Now we have to see the statements of Mohar Singh and Khatri Ram, who were the summoned witnesses by the petitioner but had subsequently been given up and were thereafter examined by the respondent. Mohar Singh is RW-5. He is the Sarpanch of Jamna Panchayat and is a man of status. He has supported the plea set up by respondent No. 1 that he did not visit village Sharli nor he administered any oath. He has, however, stated that he is not aware of any such religious oath which is known as "Lota Lune". No doubt he is married to the niece of Shri Guman Singh respondent No. 1 but the fact remains that he is the person who has been named by the petitioner as one of the persons who was present at the spot and he denies if respondent No. 1, visited the village and administered by religious oath. Further, Khatri Ram, who is named by the petitioner as one of the persons present in the meeting in which this oath was administered, has also made a similar statement as made by Mohar Singh (RW-5). He too is distantly related to the respondent and, and therefore, in the presence of statement of these two witnesses who belong to Sharli it has to be believed that respondent No. 1 did not visit their village during the elections in June, 1977 nor he administered any religious oath. He no doubt speaks about the custom of oath known as "Lota Lune".

In para 5(a) there is no mention of the persons who accompanied the respondent or the persons who convened that meeting. Panch Ram has stated that the meeting was convened by Kalyan Singh, Ratti Ram, Motu Ram and Rattan Singh, but this is also against the pleading set up by the petitioner who had no personal knowledge as admitted by him that he based these allegations on the information given by the four persons mentioned under this para. But in the evidence Panch Ram has introduced the names of these persons since the names of Kalyan Singh and Motu Ram, etc. were introduced by

the petitioner as the persons who convened the meeting, therefore, the respondent examined Kalyan Singh as RW-3 and Motu Ram as RW-4. Both these witnesses denied to have gone to Sharli on 3rd June, 1977 and they also have stated that Shri Guman Singh did not go to Sharli on that date nor any religious oath was administered by respondent No. 1 to the villagers as alleged in para 5(a) of the petition. It may be stated that no suggestion of any kind in cross-examination was made to Kalyan Singh about his visit and the oath having been administered either by him or respondent No. 1, to the villager at Sharli. Similarly no suggestion about visit to Sharli on 3rd June and about the oath was put to Motu Ram (RW-4).

The petitioner who has appeared as PW-2 has stated that at Sharli Manpur in the presence of respondent No. 1 in the temple of Shiva oath was given by putting salt in a bowl full of water and it was emphasised on the voters that they would dissolve in a way as the salt had dissolved in the water. But this is quite contrary to the statement made by Panch Ram (PW-7). According to him, the oath was only this much that salt was put in the tumbler of water and it was stated that: "Ke Jagat Singh ko vote nahin dena". Therefore, the statement of the petitioner himself who has got no personal knowledge as admitted by him and his information is based on the information received by Panch Ram and others has got no evidentiary value. He was given this information by Mohar Singh, Mundi Ram and Panch Ram who had gone to his residence at Nahar after 5 or 7 days of the election. On this point also the learned counsel for the respondent contended that the statement of PW-2 is false, inasmuch as Panch Ram has stated that after 10 days of the election he met the petitioner at Nahar in Bara Chowk Bazar while he was in the company of Jati Ram, Kanshi Ram and one another. Therefore, his statement is in direct contradiction to the statement made by the petitioner on this point that the information was given to him by Sarvshri Panch Ram, Mundi Ram, Mohar Singh and Khatri Ram. Panch Ram has not named Mohar Singh, Mundi Ram and Khatri Ram as the persons who accompanied him when the petitioner met him at Bara Chowk Bazar. Mohar Singh and Khatri Ram had appeared in the witness box as RWs. 5 and 6, but no suggestion in cross-examination was put to them if they had gone to Nahar after the elections and Panch Ram had given the information about this incident of 3rd June, 1977, to the petitioner. Panch Ram, it is argued has reason to make a statement favouring the petitioner because he is a relation of the petitioner in the sense that the sister of Jit Singh son of Sita Ram who is a collateral of the petitioner is married to Panch Ram and it is because of this kinship that he was out to support the petitioner.

Shri Guman Singh who has appeared as his own witness has denied having gone to village Sharli Manpur on 3rd June, 1977, and if he did not go then the question of administering the oath does not arise at all. He too has stated that in so far as Panch Ram is concerned he is a party worker of the petitioner and was also his polling agent. The petitioner has admitted that Panch Ram was his polling agent at Sharli Manpur. However, he has denied the fact that he was a member of the Janata Party. But the fact remains that he was his polling agent and may be because of his relationship. Therefore, the conclusion is irresistible that Panch Ram cannot be termed to be an independent witness. Further, Motu Ram has also denied the fact that Shri Guman Singh or the witness himself went to Sharli Manpur on 3rd June, 1977. He also denied to have administered any oath by Shri Guman Singh at Sharli Manpur. Therefore, it would follow that Panch Ram cannot be relied upon to prove the allegation of undue influence by administering religious oath at village Sharli Manpur on 3rd June, 1977. Therefore, this allegation as contained in para 5(a) fails.

Now I come to the allegation as contained in para 5(b). The allegations in para 5(b) are that on 5th June, 1977 in the temple Shiva of in village Bali respondent No. 1 committed the corrupt practice of undue influence by administering religious oath to various

persons to vote for him and which act was made or attempted to make believe that the persons to whom the oath had been given will become or will be rendered an object of a divine displeasure in case they did not vote for respondent No. 2. In fact, this appears to be a typographical mistake and it should have been respondent No. 1. The learned counsel for the respondent has contended that this allegation cannot be said to have been attributed to respondent No. 1 because the petitioner had clearly stated respondent No. 2. That may be so, but after having perused the unamended sub-para (b) of para 5, it is quite evident that it was respondent No. 1. Therefore this is purely a typographical mistake and the respondent cannot take any advantage of such a clerical error. The further allegations in this para are that the gathering to whom this oath was administered consisted of 60 to 70 persons out of whom the petitioner knew the names of Sarvshri Sukh Ram, Lal Singh, Gulab Singh, Hira Singh and Basti Ram. Out of these five persons the petitioner examined Basti Ram (P.W. 3) and Sukh Ram (P.W. 4). Basti Ram deposed that on 5th June, 1977 he attended the Congress meeting at village Bali in the Shiva temple. Shri Guman Singh, respondent No. 1, Kalyan Singh, Pt. Sehi Ram, Rattan Singh, Motu Ram and 5/7 other persons were present in that temple. It was 6 P.M. In that meeting, Pt. Sehi Ram asked the persons present there to vote in favour of respondent No. 1. Pt. Sehi Ram then asked the villagers to bring a Lota and salt. Then asked the people gathered there to put the salt in that Lota of water in order to hwear that they would vote for the Congress candidate, respondent No. 1. This statement of the witness, therefore, would make it clear that the oath was not administered by respondent No. 1 as alleged in sub-para (b) of para 5 of the petition. According to him, it was Pt. Sehi Ram, who delivered the oath. Therefore, this evidence of the witness cannot be considered to be a relevant evidence because it is indirectly in conflict with the pleadings. There is nothing in his evidence if Pt. Sehi Ram had the authority or the consent of respondent No. 1, no doubt, respondent No. 1, according to the witness, was also there. But, he should have said that it was with his consent or authority that he administered the oath. However, even if he was to prove this consent still this evidence is against the pleadings in which it has categorically been stated that respondent No. 1 administered the religious oath. This witness has stated in cross-examination that the oath was administered in the following words:

“Lote main namak dalo aur vote Thakur Guman Singh ko dalo.”

This was the only oath that was given. So, if that was the only form in which the oath was given it will not amount to any election offence. The petitioner has stated that he had no personal knowledge and he had made this assertion as contained in para 5 (b) on the information received by him from Sukh Ram, Lal Singh, Gulab Singh, Hira Singh and Basti Ram. It may be stated here that Sukh Ram was not present personally in the temple as stated by Basti Ram (P.W. 3). However, according to P.W. 3, he had passed information about that oath to Sukh Ram and it was 10 or 11 days after the election that the witness in the company of Sukh Ram conveyed this information to the petitioner at Nahan. The affidavit in respect of the allegations in sub-para (b) has been sworn to be believed to be correct on the information received from five persons, whereas P.W. 3 states only that it was he and Sukh Ram who had given this information to the petitioner. The message as conveyed by P.W. 3, as given above, does not find any mention in para 5 (b) of the petition and the words in which the message is conveyed, do not fall squarely under sub-section (2) (a) (ii) of section 123, because the administering of oath is not material. What is material is to create a belief in the mind of the elector that if he did not stick to the oath then he would be an object of divine displeasure. Then there is the discrepancy between the statement of this witness and P.W. 3 with regard to the persons who accompanied P.W. 3 when the message was conveyed. Sukh Ram (P.W. 4) who got the information from Basti Ram, has stated that he informed the petitioner about the administration of oath

at Nahan, when he was accompanied by Lal Singh, Hira Singh and Gulab Singh. But this is again contradictory to the statement made by P.W. 3. Sukh Ram has stated that in the meeting Pt. Sehi Ram got the salt put in the Lota of water. Before putting the salt in the Lota he said that they were to vote for Congress and to take oath for the same. He has contradicted himself by stating in cross-examination that at the time when this oath was taken actually he was not present there. He had left the place for his house before the oath was administered. Therefore, his statement also does not assist the petitioner. This is the only evidence produced by the petitioner to substantiate the allegation of corrupt practice alleged to have been committed by respondent No. 1. The respondent No. 1 admits having gone to village Bali on 5th June, 1977 at the house of Main Singh Serpench and he also admits that he was accompanied by Sehi Ram, Lal Singh, Motu Ram and Kalyan Singh and 3/4 other persons whose names he did not know. He has denied to have administered any religious oath at village Bali on that day or any other day subsequent thereto. He has stated that the village of the petitioner is within the revenue estate of village Bali and if that is so it is doubtful if the respondent should have gone and administered oath to people who were within the influence of the petitioner because he is supposed to have influence over his own people in his own village. He has stated that the alleged Sukh Ram was the worker of the petitioner during the election campaign and so was Basti Ram, Motu Ram (P.W. 4) also admits to have gone in the company of Shri Guman Singh, Lal Singh, Sehi Ram and Kalyan Singh to village Bali on 5th June, 1977 and there they sat in the verandah of Main Singh and after having taken tea or water they left that village for Koti. He has denied if any oath was given to the electors in that village. There is nothing in the cross-examination elicited out to discredit this witness. Sehi Ram (P.W. 12) also makes a similar statement as deposed to by P.W. 2 and P.W. 4 about their visit to Bali and not to have administered any oath. Lal Singh (P.W. 13) also makes a similar statement as made by the former witnesses on this point. The oath is alleged to have been administered by respondent No. 1, but there is not a single word on the record to that effect. No body has stated if this oath was administered by him, rather the witnesses state quite the otherwise. The averments made in sub-para (b) are also based on information of the persons who have been examined in the Court, but they do not support these averments. In these circumstances the allegations of corrupt practice as contained in para 5 (b) are also not proved.

The third corrupt practice which is alleged to have been committed is as contained in para 5 (c) of the petition. It is alleged in this sub-para “that on 8th June, 1977 in the temple of Shiva in village Chambhara at about 11 A.M., respondent No. 1 committed the corrupt practice of undue influence..... gave religious oath to various persons to vote for respondent No. 1”. The oath was allegedly administered to 40/50 persons out to whom the petitioner knew only the names of Sarvshri Kanshi Ram, Gunia Ram, Pati Ram and Sukh Ram. Out of these four persons the petitioner examined Kanshi Ram and Gunia Ram as PWs 5 and 6, whereas Pati Ram and Sukh Ram though summoned had been given up. Kanshi Ram (P.W. 5) has stated that on 26th of Jaishtha last year there was a meeting in connection with the elections convened by Kalyan Singh and Motu Ram residents of village Mahashu, who belonged to the party of Shri Guman Singh. About 40/50 persons from village Chambhara gathered at the temple at 11 A.M. Shri Guman Singh respondent was also there. Pati Ram, Gunia Ram, Hari Ram, Jhania and Jaggi Ram were also present. Then they put salt in the Lota of water at the instance of Kalyan Singh to the effect that they would vote for respondent No. 1. Therefore, from his statement also the averments made in sub-para (c) of para 5 are falsified, because in the averments in sub-para (c) the allegations are made against respondent No. 1 of having committed the corrupt practice. The witness does not name Shri Guman Singh as the person who administered this oath. The oath was stated to have been administered by Kalyan Singh. There is nothing in his statement if Kalyan Singh had the

authority or the consent of respondent No. 1 to administer that oath. This witness further stated that the oath administered was in the following words:

"Ke ji tarika se namak pani main gala hai usi tarika se tum bhi galo ge agar Guman Singh ko vote na di gai."

And that he also repeated that oath. After about 5/7 days of that oath he happened to go to Nahan in connection with his own work where he gave this information to the petitioner and he informed him in the following words:

"Ke hamare gaon main aisa hua ke Kalyan Singh ne Lote main namik dalwaya aur kaha ke vote Guman Singh ko do."

These were the only words in which the message was conveyed and he did not say anything further. He was accompanied by Pati Ram and Gunia Ram when he gave this information to the petitioner in Chhota Chowk Bazar. Therefore, from the oath, as is stated to have been given, and the information in which this factum of oath was communicated are totally different and it cannot be said if the witness is really telling a truth so as to place implicit reliance on the factum of the alleged oath. This witness, to me, it appears is actuated by the interest of relationship that he has got with the petitioner. This would be evident from the fact that the witness did not want to disclose the relationship with the petitioner probably on the assumption that his testimony may not be taken as an independent testimony. When questioned about his relationship he said that the petitioner was not his near relation. He, however, admitted that Premu was his father-in-law. It was also admitted that Fishku is grand-father of the petitioner. However, he betrayed ignorance if Fishku and Premu were the real brothers. Then again he said that he knew this much that they were from the same brother-hood. Then he said that Premu has got no brother, nor he knew if Premu and Fishku had the same father. He also betrayed ignorance if Sukh Ram is the son of Pati Ram nor he knew if the father of the petitioner is Sukh Ram, but on a second thought he had to admit that Sukh Ram is the father of the petitioner. Again he betrayed ignorance by saying if his wife was the father's sister of Jagat Ram petitioner. This stands totally belied by the pedigree table Exhibit R.W. 2/C. It shows that Pati Ram, the father of Sukh Ram, were three brothers, i.e. Pati Ram, Fishku and Premu. The petitioner is admittedly the son of Sukh Ram or the grand-son of Pati Ram and the daughter of Premu is married to this witness. Therefore, from the manner in which he wanted to conceal the relationship it would be evidence that he purposely wanted to do so lest his testimony may be held to be interested and on that basis discarded. The witness has totally perjured himself in this behalf and as such no reliance can be placed on the testimony of this witness.

Gunia Ram (P.W. 6) has stated that on the 26th Jaith, there was a meeting at the temple of Shiva in village Chambiara called by Shri Guman Singh in connection with elections. He was accompanied by Motu Ram, Kalyan Singh and others. There was a gathering of about 50 to 60 persons of that village. However, he could name only Pati Ram, Hira Ram, Jogi Ram, Jania Ram and Hari Ram. Then he stated: "There in the meeting at the instance of respondent No. 1, Motu and Kalyan Singh, we, the villagers, were asked to put salt in the Lota of water and which we did. Motu and Kalyan Singh had asked us as to for whom we will vote. Thereupon we said that we will vote of our own free will. Upon that Kalyan Singh and others said that our demands would not be fulfilled in case we did not vote for the Congress. Then we put the salt in the Lota and we said that we would vote for the Congress". Then he states about the belief which is prevalent in the area that if a person does not fulfil his oath then the divine wrath befalls and the whole family is ruined. But, this statement, as made by him, is quite in contradiction to what P.W. 5 has stated. About the antecedents of this witness, it would be quite evident that he is a previous convict in a murder case and had been sentenced to life imprisonment. He had served five years' imprisonment before he was released.

Therefore, such a witness who is morally so depraved cannot be relied upon unless there is corroboration in that behalf, but in the instant case there is no corroboration. The statements of P.Ws. 5 and 6 are quite contrary to each other. In cross-examination he has said: "Kalyan Singh asked us to put the salt in the Lota of water which we did and nothing else happened". Thereafter he left the place for his work and did not know what happened thereafter. Then he says that after 8/10 days of the oath he happened to go to Nahan and he passed on this information about this oath to the petitioner. He was accompanied by Pati Ram and Kanshi Ram when he went to the residence of the petitioner at Nahan. So, this is the entire evidence produced by the petitioner about the allegation of administration of this oath so as to create a belief that on the failure to vote for Shri Guman Singh they will be an object of divine displeasure. But the evidence on record is not worthy of credit and is quite contradictory in nature and is also against the averments made in the petition.

The petitioner has also contradicted himself by making the statement that a similar oath as mentioned above was administered at village Chambiara by Kalyan Singh, Lal Singh and Motu Ram in the presence of respondent No. 1 to the voters to vote for him failing which they would incur the displeasure or wrath of Lord Shiva. In the petition he has attributed this corrupt practice to respondent No. 1 himself and he has not made any mention about Kalyan Singh, Lal Singh and Motu Ram who were the persons who had administered the oath in the presence of respondent No. 1. This averment is also sworn on the information given by Kanshi Ram, Gunia Ram, Pati Ram and Sukh Ram, but P. Ws. 5 and 6 do not support him.

The respondent has examined Kalyan Singh and Motu Ram as R.Ws. 3 and 4. Both these witnesses denied to have gone to Chambiara on 8th June, 1977. The respondent has also denied to have gone on 8th to village Chambiara. However, he stated that he went to Chambiara on 5th June, 1977, when he visited Bali and other villages of Bali and Bogari Panchayats. He denied to have given any religious oath as alleged to Sarvshri Gunia, Kanshi Ram, Pati Ram and Sukh Ram in village Chambiara. He has stated that Kanshi Ram and Gunia are the relatives of the petitioner. Lal Singh (R.W. 3) also denied to have administered any oath either by himself or by the respondent at Chambiara on 5th when they went there. They were the only persons, who were named by the respondent, who were present. Lal Singh has been examined by the respondent who has exploded the myths contained in the statements of the witnesses for the petitioner as also contained in the averments made in sub-para (c) of para 5. Thus from the above evidence of the parties it would be clear that the averments as made in para 5 (c) are in contradiction to the statements made by the witnesses in the Court. The consent of the respondent given to Sehi Ram and Kalyan Singh is also not proved, if at all they administered any oath. Therefore, the allegations made in sub-para (c) of para 5 also remain unproved, with the result that the issue is decided against the petitioner.

Issue No. 2:

This issue is based on the allegations as contained in para 6 (a), (b) and (c) of the petition and which relate to the allegations of character assassination of the petitioner by the respondent himself or his agents or by other persons with his consent of statements of facts, which were false and which they either believed to be false or did not believe to be true in relation to the personal character or conduct of the petitioner.

In sub-para (a) of para 6 the allegations are that Shri Telu Ram Pradhan of village Banshi Kondo Bhatnol, who was put in charge of the election campaign of respondent, in the Panchayat circle addressed a public meeting on 1st June, 1977 in village Dhadat at about 4 P.M. in which it was proclaimed:

"That the petitioner was a corrupt man and his only profession is to take bribes and to elope and entice young girls. He has been imprisoned many times by the Government and once the petitioner was tried for a dacoity."

It is also stated in this sub-para that respondent No. 1 was personally present there. There were many persons to whom this appeal was made and he knew the names of only Sarvshri Bhagwan Singh and Roop Singh of village Bandli Dhadas in Sub-Tehsil Shilai. These averments have been denied by the respondent. The petitioner has examined only Bhagwan Singh on this aspect of the case, whereas Roop Singh who had been cited as a witness by the petitioner was not examined. Bhagwan Singh (P.W. 8) has deposed that during the last elections he was the worker of Janta Party and Telu Ram Pradhan of Bandli was the worker of Congress Party. He had attended one Congress meeting at Dhadas on 1st June, 1977. Shri Guman Singh was not present there. Shri Telu Ram told the people who had gathered there in the meeting not to vote for Shri Jagat Singh Negi because he was "a man of bad character and he had been jailed thrice. Once he had been jailed for dacoity. He takes bribe". On 1st June after the meeting was over he gave this information to Shri Jagat Singh petitioner that there was a meeting which was addressed by Shri Telu Ram and also narrated the contents of the speech. P.W. 8 has stated in quite unmistakable words that Shri Guman Singh was not present there, whereas the averment made by the petitioner in sub-para (a) of para 6 is that respondent No. 1 was personally present. Therefore, this statement is in direct contradiction to the averment made in the petition. The petitioner has sworn this averment on the basis of information received from Bhagwan Singh and Roop Singh, but Bhagwan Singh denies this fact that respondent No. 1 was present there. Therefore, this averment in the petition is totally incorrect and has been wrongly sworn in because that is not supported by Bhagwan Singh, who is alleged to have given such information. The petitioner himself admits that he had no personal knowledge about this fact. Therefore, this allegation is totally incorrect and contradictory and is falsely sworn. P.W. 8 has also stated in the opening part of his statement that the meeting at Dhadas was attended by Hira Singh Pradhan of Gram Panchayat Sirikiari, who was a Congress worker. This Hira Singh has been examined by the respondent as R.W. 9 and he denies having gone to village Dhadas on 1st June, 1977. Nothing has been brought out in the cross-examination of this witness to dub him as a liar and to render his testimony incredible. Even if it may be admitted but Bhagwan Singh (P.W. 8) has told the truth that Telu Ram delivered the speech assailing the character and conduct of the petitioner then the further question that will arise is whether he had the authority or the consent of respondent No. 1 to make such a speech so as to assail the character and conduct of the petitioner. It is admitted that Shri Guman Singh was not there. So, it was heavily for the petitioner to have proved that he had the authority or the consent whereby this speech could be attributed to the respondent. Shri Guman Singh has denied having gone to Dhadas on any day during the elections. Motu Ram also states that neither he nor Shri Guman Singh went to village Dhadas on 8th. He also makes a categorical statement to the effect that in this presence there was no speech assailing the character of Shri Jagat Singh Negi. This Bhagwan Singh was, as admitted by the petitioner, his counting agent. He is also a member of the District *ad-hoc* Committee of the Janta Party, as admitted by the petitioner himself. Therefore, he is naturally to evince interest in the success of the petitioner. Therefore, on that account it is quite obvious that the statement of Bhagwan Singh is contradictory to the averment made in para 6 (a) of the petitioner, inasmuch as the respondent's presence is denied by the witness, whereas in the petitioner the allegations are that the respondent was also personally present at the meeting. In the face of the evidence discussed heretofore, I am of the view that the allegations as contained in this sub-para also remain unproved and the affidavit appears to have been wrongly sworn.

Now I come to the allegations as contained in para 6 (b) of the petition. The allegations are that Man Singh ex-Sarpanch of village Bali addressed a meeting on 5th June, 1977 at about 4 P.M. in which it was stated by him that "that petitioner is a big criminal because he had been to jail three or four times and that once the petitioner was tried for having committed a dacoity". Out of

the persons who attended the meeting where this character assassination of the petitioner was done were Panch Ram, Jagat Singh and Madan Singh. A bare perusal of the allegations as contained in sub-para (b) would reveal that there is no mention of the place where this meeting was addressed by Man Singh ex-Sarpanch of Bali. So, at the most it can be that the meeting was addressed by Man Singh in his own village. There is nothing in this sub-para if the respondent was present. The petitioner has not examined any one of these three persons named by him to be present in the gathering to whom the meeting was addressed. The respondent, however, has examined one person who is stated to be Meen Singh as R.W. 11. Meen Singh (R.W. 11) has stated that he was the Sarpanch of Gawal Pachhami Panchayat from 1968 and he is a resident of Bali. According to him, no meeting was addressed by the respondent at village Bali although he did visit that village some 4/5 days before the polling. He has stated that he was summoned by the petitioner as a witness on the last date of hearing and when he came to Simla to appear as a witness on behalf of the petitioner he stayed outside for 2/3 days but on the last hearing when the Court had risen for the day and he was not examined then he left the place and he was taken by Guman Singh brother-in-law to the petitioner, Bhagwan Singh (R.W. 8) and Amar Singh son of Nain Singh of village Shilai to the residence of Mrs Shyama Sharma, Minister of State for Panchayats. There they stayed for a while and thereafter he was taken to Kufri in a white coloured jeep. On reaching there he was taken to the Rest House where tea was served. Then at about 9 P.M. he was brought back in the same jeep to the residence of the aforesaid Minister. On reaching there he was given a paper which was already written and which contained the following:—

"PYARE BHAIO THATHA PYARI BEHNO:
THAKUR GUMAN SINGH KISI KARAN
GAON BALI NAHIN AA SAKA IS WAJA
SE MAN THAKUR GUMAN SINGH AUR
APANI TARAF SE MUAFI MANGANI
CHAHTA HUN. AAGE GUMAN SINGH
CONGRESS KE UMIDWAR HAIN JAGAT
SINGH NEGI JANTA KE UMEDWAR
HAIN JAGAT SINGH KO VOT KATAI
MATT DO AUR WOH GOONDA BADMASH
OR LOAFER HAI."

Then he says that he was asked to read it but he did not read the same loudly because, according to him, there was a tape-recorder placed before him and on the next following day he made a complaint orally before this Court and the Court directed him to give the same in writing. He filed an application in the Court at the instance of the Court because on the earlier day he had made a verbal request on that score and that application is Exhibit P.W. 11/A. The statement of this witness, therefore, would go to show that the petitioner wanted to procure false and fabricated evidence in his favour and prove that the petitioner was guilty of corrupt practice of assassination of character and conduct as Meen Singh made that speech with his consent. Therefore, in these circumstances it is difficult to place reliance on the allegations as contained in sub-para (b) of para 6. The petitioner did not make any endeavour to substantiate the same by production of the persons named therein. It is also a fact that this Man Singh was cited as a witness by the petitioner but was not produced because the witness did not want to toe the line of the petitioner and be a party to the fabrication of evidence to unseat respondent No. 1 on the basis of false allegations of corrupt practices. In view of the fact that the petitioner had not led any evidence on this point, I need not refer to the other evidence produced by the respondent because in such a case no rebuttal is required and the allegations in this sub-para (b) therefore not only remain unsubstantiated but on the contrary they appear to be false.

In respect of sub-para (c) of para 6, it may be stated that there are the allegations of addressing a meeting on 8th June, 1977 at 7 P.M. by one Amar Singh, wherein it was stated that "the petitioner was sent to jail three

times for having committed criminal offences and once in a case of dacoity". It is further alleged that "the petitioner was a corrupt man (Bharashachari) and as and when people approach him at Nahan to get their work done, he always demanded bribes and as and when he visits his village he always spoils the girls, etc.". This statement was also false and was made with the consent of respondent No. 1 and neither respondent No. 1 nor the aforesaid Amar Singh believed the same to be true, but on the other hand believed it to be false. The petitioner knew the names of Sarvshri Bir Singh, Zalam Singh and Dhian Singh who were present in the meeting addressed by Amar Singh son of Nain Singh of village Shilai. The learned counsel for the petitioner has very frankly conceded that there is no evidence on this point. The learned counsel for the respondent has addressed arguments on the admissibility of the tape-recorder. According to him, Amar Singh who was alive and had actually been cited by the petitioner as his witness, had been subsequently given up and, therefore, this tape-recorded speech could not be admitted in evidence, when the person was alive. This tape-recorded speech as a matter of fact was admitted subject to the objection and which objection has now been upheld. But since the petitioner did not argue this point and he conceded that there is no legal evidence on this point, therefore, in these circumstances, it is not necessary, to comment upon the evidence and the result, therefore, is that allegations of sub-para (c) of para 6 also remain uncontroverted and this issue No. 2 is also decided against the petitioner.

Issue No. 3:

The allegations on the basis of which this issue has been framed are contained in para 7 of the petition in which it has been stated that respondent No. 1 was guilty of committing a corrupt practice as defined under sub-section (7) of section 123 of the Act, inasmuch as he obtained or procured for himself or through his agent or other persons with his consent, assistance for the furtherance of prospects of respondent No. 1 of two persons named, Sarvshri Nand Ram and Kanshi Ram Patwaris, who were revenue officers as defined in clause (f) of sub-section (7) of section 123. Then it was said that they openly canvassed in the constituency in favour of respondent No. 1. The averments in para 7 have been sworn by the petitioner on his personal knowledge and in the Court he stated that he knew Nand Ram and Kanshi Ram, who were Patwaris of Patwar Circles Timbi and Kiyari respectively. He saw both of them canvassing in the constituency and he told them that they should refrain from canvassing as being Government employees. Nand Ram told that he would not desist from canvassing because Shri Guman Singh had helped him in transferring him from Pachhad to Timbi near his home. He was transferred from Pachhad when Shri Guman Singh was the Minister of State for about 8 days. He saw both these Government servants sitting in the jeep of Shri Guman Singh. There was a Congress flag on that jeep and there were also posters pasted on the jeep. In cross-examination he has stated that he knew that Nand Ram and Kanshi Ram were acting illegally, however he did not lodge any complaint against these two persons to any authority nor he made any complaint against Shri Guman Singh for having procured the assistance of Government employees and the reason that has been assigned by him is that he was being harassed during the Congress regime not only once but many a time. It may be stated that the Congress regime in the Centre had been given a good-bye in the elections held in March 1977 and when the elections in Himachal Pradesh for the Legislative Assembly were held there was no Congress regime, rather there was Presidents Rule, in order to ensure free and fair elections. It is strange that the petitioner being a lawyer and aware of his rights and duties failed to bring this fact to the notice of the authorities. Even after the Janta Party came into power in Himachal Pradesh he failed in his duty to lodge a report against the conduct of the Government employees and against the respondent also to have procured the assistance of such Government employees. He has stated that Kanshi Ram had canvassed to Kheota Ram, resident of Tityana, Bahadur Singh resident

of Timbi, Mehar Singh of Tityana and Jati Ram of village Tiyori. He had cited the names of these persons in the list of witnesses, as admitted by him, but it would be apparent that he has not named these persons in the petition wherein he made this allegation about procuring the assistance of two patwaris and about their act of canvassing. Therefore, in these circumstances, the statement of Kheota Ram, who has been produced by the petitioner as P.W. 10, also cannot be pressed into service in favour of the petitioner for having failed to disclose their names in the petition.

It was the allegation of the petitioner that these two patwaris had canvassed because they were transferred to their nearby places at the instance of Shri Guman Singh. The respondent has examined Shri P. S. Rana, Deputy Commissioner, Sirmur. He was also the Returning Officer for that constituency in the year 1977. The statement of the petitioner was that Nand Ram was in Tehsil Pachhad, which is a far off place from the place of his residence and, therefore, at the instance of the respondent he was transferred to a nearer place. But from the statement of R.W. 1 it is manifest that he was already posted in May 1977 in Sub-Tehsil Shilai in Naini Dhar Patwar Circle and from there he was transferred to Timbi Patwar Circle in the same Sub-Tehsil vide order of 2nd May 1977. So, it is wrong to say that he was transferred from Pachhad nearer to his home rather he was transferred within the same Sub-Tehsil. Therefore, this averment is wholly incorrect. However, Nand Ram is no more in the land of living and he could not be examined. Kanshi Ram has not been produced. Jati Ram (P.W.) was produced by the petitioner to prove that Nand Ram and Kanshi Ram were canvassing but his name did not figure in the allegations as contained in para 7 as the person to whom canvassing was made. Therefore, his statement also cannot be taken into consideration because the petitioner failed to give the particulars of the persons who were canvassed as required under section 83 (1) (b) of the Act. Further, even if it may be said that they had been canvassing, there is no iota of evidence on the record if they had been canvassing for the respondent with his consent or under his authority. Therefore, in the absence of any proof of consent, and for failure of the petitioner to give the better particulars of the persons as contemplated under law it is to be held that this issue remains unproved, and the same is also decided against the petitioner.

Issue No. 4.

This issue arises out of the allegations as contained in para 8 of the petition. The respondent No. 1 had denied the allegations and, according to him, the counting of the votes had been legally made and there is absolutely no infirmity in the counting. The request for recounting was not made on legally admissible grounds and, therefore, it was correctly rejected by the Returning Officer. In fact the petitioner made three applications one after the other without disclosing any ground to recount the votes and the allegations in the petitions therefore, are an-after thought.

It is contended by the learned counsel for the petitioner that there is no denial by the respondent that on table No. 13 there was a shortage of one vote and, according to him, there is evidence on the record that the Returning Officer had not himself been deciding the objections but it were left to be decided by the counting officer and that the decision of the counting officer was, therefore, conclusive. On the other hand, the learned counsel for the respondent No. 1 has argued that there is neither any pleading, assertion or prayer that recount be ordered and that if there is no allegation then he need not controvert the same. The learned counsel has referred me to the prayer clause. It is true that there is no such prayer for recount made by the petitioner under the relief clause. A perusal of para 8 also would clearly indicate that he has not asked for any recount on the ground that there was shortage of one vote at table No. 13, and further many votes which indicated that the votes were in favour of the petitioner were rejected and these votes were more than 100 and as such he was entitled to a recount on

that account. The petitioner has simply stated that there was shortage of one vote and secondly about 100 votes had wrongly been rejected and which if not rejected the petitioner would have been declared elected as he was to have secured more votes than respondent No. 1. It is, therefore, quite manifest that there is no prayer nor has he made any ground for recount as is now sought to be argued by the learned counsel for the petitioner.

Now we have to see whether the petitioner has made any prayer in his statement that he is entitled to get a recount on the basis of the allegations. The petitioner as P.W. 2 was examined on 8-5-1978. He has stated that on table No. 13 one vote was found to be short during the course of counting. The Returning Officer decided 99% of the objections of the petitioner against him and in favour of respondent No. 1. The objection pertaining to the votes, which were received by post and on which seals were not in order and the objection was that the vote should be counted in favour of the persons on whose symbol a larger portion of the seal was affixed, was also rejected. It would be evident that this allegation that the postal ballots on which seals were not in order does not find place in the pleading and, therefore, this portion of the statement as rightly objected to by the learned counsel for respondent No. 1 cannot be read in evidence. Further he has stated that about 100 votes which should have been in his favour were rejected. After declaring the result the Returning Officer did not afford any opportunity to him to file any written objections. It was thereafter that he filed his objection. There is no prayer made in the statement even that because of these facts a recount may be ordered.

After the counting when the results had been declared, according to the petitioner, he filed his written objections as contained in the applications Exhibits P. 1, P. 3 and P. 4.

Exhibit P. 1 is the application, dated 14-6-1977 filed by the petitioner claiming a recount. The application runs as:

"To
The Returning Officer,
Sirmur district,
Nahan.
Sub: Recounting.
Sir,

I claim recounting of 17-Shillai Constituency.
Permission may kindly be granted.

Your's faithfully,
Sd/- JAGAT SINGH NEGI.

Candidate
Janta Party

Dated 14-6-1977. 17-Shillai Constituency."

The time of presentation given by the Returning Officer is 5.10 P.M. The Returning Officer rejected the application on the ground that the application was premature, inasmuch as rule 63 of the Conduct of Elections Rules, 1961 (shortly called the rules) provided that recount can be made only after an announcement regarding the total number of votes polled by each candidate is made. Since no such announcement had been made, the application was premature. The second application is Exhibit P. 3, which was made at 5.55 P.M. vide endorsement Exhibit P. 3/A. In this also the prayer was as:

"I claim recounting of votes of 17-Shillai Constituency because the difference of votes between the candidates Shri J. S. Negi and Shri Guman Singh is less than one hundred.

It is, therefore, prayed that the permission for recounting may kindly be granted.
Thanking you.

Your's faithfully,
Sd/- JAGAT SINGH NEGI,
Candidate
17-Shillai Constituency Janta Party."

The order passed by the Returning Officer is as under:

"I have heard both the parties namely Sh. J. S. Negi and Sh. G. S. Chohan. The applicant has asked for two hours time to argue the case in detail. The

other party also has no objection. Time is allowed. The application would be taken up after the counting of 18 Parties are informed.

Sd/-
P. S. RANA
14-6-1977."

The third application is Exhibit P. 4. It was presented at 8.25 P.M. as per endorsement Exhibit P. 4/A. In this application it is written as:

"In continuation of my application for recount I submit as under:

That Sh. Guman Singh has been shown to have polled 5994 votes, whereas the votes polled by me are shown as 5899 and as such there is a difference of only 95 votes.

That the invalid votes are 240.

That on table No. 13 there was shortage of one vote.

That there is every possibility that invalid votes might have been taken as valid and valid votes as invalid. Since the difference is marginal and very meagre and the result has not yet been announced the recount must be ordered in the interest of justice and fair and free election.

It is, therefore, prayed that recount may kindly be ordered.

Thanking you.

Candidate applicant
Sd/-JAGAT SINGH NEGI,
Janata Party Candidate

Dated 14-6-1977.

17-Shillai Constituency."

Exhibit P. 5 is the order whereby the Returning Officer disposed of the applications Exhibit P. 3 and P. 4. He has given detailed reasons rejecting the prayer for recount and I need not reiterate the same.

In the first application, Exhibit P. 1, the petitioner has not given any ground for claiming recount. In the second application, Exhibit P. 3 which was filed after about 45 minutes of the first application he submitted that the difference of votes between the candidates is less than 100 and it was on that account that he sought permission for recount. The third application was filed after two and a half hours and in this he has made out the grounds—

"That the invalid votes are 240.

That on table No. 13 there was shortage of one vote.

That there was every possibility that invalid votes might have been taken as valid and valid votes as invalid. Since the difference was marginal and very meagre....."

and it was on that basis that he prayed for another recount. On Exhibit P. 3 the Returning Officer had ordered that since the applicant had asked for two hours time to argue the case in detail and the other party had no objection therefore, he allowed time and the application was ordered to be taken up after the counting of 18—Paonta-Doon was over. This application, Exhibit P. 4, as is apparent from the order Exhibit P. 5 was submitted at a time when the counting of 18—Paonta-Doon Constituency was in progress. Therefore, from the last application it would appear that the petitioner got sufficient time to make out the grounds which he could not think of at the time of submission of the earlier two applications, Exhibits P. 1 and P. 3. In these two applications he did not state any ground to justify his stand for an order for recount by the Returning Officer. Under rule 63 of the rules after the completion of the counting when the result sheet is prepared and the result is announced then after that a candidate or his election agent or any of his counting agents may apply in writing to the Returning Officer to recount the votes either wholly or in part stating the grounds on which he demands such recount. In the first application, as already stated, no ground had been given nor the result had been announced. The result was announced admittedly at about 11 or 11.30 P.M. as per statement of the petitioner himself. Therefore, all these three applications, as would be apparent

from a perusal of this rule, were premature and did not disclose grounds for recount, and especially the earlier applications Exhibits P. 1 and P. 3. In Exhibit P. 4 the only ground was that there was one vote short at table No. 13 and there were 240 invalid votes and the difference was quite meagre. Rule 56 of the rules provides for counting of votes and the rejection of the ballot papers on the grounds mentioned under sub-rule (2) clauses (a) to (h). So before a recount can be ordered by the Returning Officer the candidate who makes an application for recount has to make out a case that there was no compliance with the requirements of the provisions of rule 56 of the rules. But this rule, as would be apparent, cannot be invoked unless there is a pleading in that behalf. The petitioner has not pleaded that there was non-compliance with the rule 56 whereby he was entitled to a recount of the votes on the ground mentioned therein. I have already referred to the statement of the petitioner wherein he had stated that the objections pertained merely to the votes which were received by post and to the ballot papers on which the seals were not in order and his objection was that the votes should be counted in favour of the candidate on whose symbol the larger portion of the seal was placed. This statement was objected to by the learned counsel on the ground that there was no pleading and rightly so, as I have already stated that this piece of evidence cannot be looked into in the absence of any pleading in that behalf.

No doubt, election can be declared void subject to the provisions of sub-section (2) of section 100 of the Act if the Court is of opinion that the result of the election, in so far as it concerns a returned candidate, has been materially affected by any non-compliance with the provision of the Constitution or of this Act or of any rules or orders made under this Act. This so provided under sub-section (1)(d)(iv) of section 100 of the Act. But for that also it was highly incumbent on the petitioner to have proved the violation of rule 56 of the rules and which he has failed to do. There is no pleading and much less proof in that regard on the record brought by the petitioner to press the aforesaid provision in his favour. So, in these circumstances the question of recount does not arise.

In so far as the third application Exhibit P. 4 is concerned, the same, it has been argued by the learned counsel for the respondent, was submitted when time of two hours was granted by the Returning Officer and during that time the petitioner had sufficient time to consult his colleagues, amongst whom there were lawyers, and to consult the election law so as to make out the grounds. The petitioner has not been able to controvert this argument of the learned counsel and it appears that this was a made up ground after a good deal of discussion and consultation, otherwise these earlier two applications Exhibits P. 1 and P. 3 do not disclose any ground for claiming a recount. The petitioner in his statement in the Court has stated that he could not give the reasons in his application Exhibit P. 1, because at that time he was puzzled. According to him, after he filed application, Exhibit P. 1, he was told by the Returning Officer that there were no grounds given in the application and he instructed him to file another application giving the reasons. But in the other application also admittedly there were no reasons and his reply is that immediately after the result was declared he could not think about the grounds and more over he was perplexed and, therefore, in those circumstances he could not disclose the grounds in his applications Exhibits P. 1 and P. 3. But this is totally believed by his own statement because these applications were made at 5.10 and 5.55 P.M. respectively, whereas the result was declared at about 11 or 11.30 P.M. Therefore, there was no question of his being perplexed. The petitioner further has admitted that it was about 5/10 minutes prior to 11 P.M. that he learnt that he had secured 5,899 votes whereas Shri Guman Singh had secured 5,999 votes and before that he had no knowledge about the same. If that is an admitted fact it is beyond comprehension how he could say that he got puzzled or perplexed at the time of filing the earlier two applications, Exhibits P. 1 and P. 3, in which he gave no reasons

for a recount. Again, on a question put to him as to how he reconciles the contradiction that he could not give the grounds in the applications Exhibits P. 1 and P. 3 which had been made before the result was declared, the petitioner's reply is that he filed both these applications after the declaration of the result by the Returning Officer but he did not know how the time is noted as 5.10 P.M. and 5.55 P.M. in these applications. He was again asked that a few minutes earlier in his statement he had told that applications, Exhibits P. 1 and P. 3 were filed by him at 5.10 and 5.55 P.M., whether he could affirm it. To this the reply was that he cannot say anything about the time noted on these applications, but the fact was that he filed the applications after the declaration of the results. This type of statement of the petitioner, therefore, does not bring credit to him. He himself is a lawyer by profession and it cannot be expected from him that he should be so forgetful about the time of presentation of these applications. No question about the time, etc., was posed to the Returning Officer, who had appeared in the Court. He could be asked as to why he noted the wrong time on these applications when the same were made after the declaration of the result at 11 P.M. or thereabout. When the petitioner was examined in the Court he was admittedly not perplexed nor there was fear of any kind and he could speak out the true facts. He has exhibited quite a recalcitrant conduct by the making contradictory statement and which is highly unbecoming of a person of his class which has got a respectable position in the society. Therefore, the only irresistible conclusion that can be drawn is that the petitioner had no valid and cogent grounds to ask for a recount, inasmuch as he could not think of any grounds for non-compliance with the requirements of rule 56 of the rules.

The learned counsel for the petitioner had relied upon *Swami Rameshwaranand vs. Madho Ram and anr.* [(1972) (Vol. 40) E.L.R. 281] to show that when there was shortage of vote, he was entitled to a recount of the votes. In the case cited by the learned counsel for the petitioner the appellant Swami Rameshwaranand had pleaded that the result of the election in so far as the first respondent was concerned had been materially affected by improper reception, refusal and rejection of votes and by reception of valid votes in favour of the first respondent. The particulars thereof were given in several sub-paragraphs of paragraph 13 of the petition. After complaining of the partisan attitude of the Assistant Returning Officers and others working under them the appellant stated:—

- “(i) Ballot papers which constituted valid votes in favour of the petitioner were intentionally placed inside the bundles (of 50 each) of the respondent No. 1. This was done secretly at various tables some of which were detected on the spot.
- (ii) During the counting of votes of Babin Constituency at Thanesar, one bundle of votes in favour of the respondent was found to include three ballot papers whereby votes had been cast in favour of the appellant. A similar instance was given in respect of vote at Junda. At polling stations Nos. 10 and 11 similar malpractices had been discovered.
- (iii) That out of 13,876 rejected votes at least 1900 cast in favour of the petitioner had been arbitrarily rejected.
- (iv) Void and invalid votes numbering about 500 were improperly included in bundles of the respondent. No. 1 in spite of protests.”

He further stated in his petition that the majority of 190 tendered votes had been cast in his favour and if they were taken into account and the corresponding votes cast by false personation in favour of the first respondent were omitted, the difference No. of 203 votes would be more than counter-balanced. His further complaint was that the errors and mistakes discovered at the time of recount in 23 polling stations were so numerous that a case for recount of all the ballot papers at the election had been made out. It may be stated here, that before

the Returning Officer immediately after the result was declared he had also made an application for recount and the Returning Officer had ordered that there should be a recount of votes in three Assembly Constituencies viz., Babin, Indri and Jundla in respect whereof objections had been specifically raised. In his view, no general recount was called for in respect of the other constituencies as no complaint had been made to the Assistant Returning Officers. In the election petition he, therefore, made this further complaint that since the errors and mistakes discovered at the time of recount in 23 polling stations were so numerous that a case for recount of all the ballot papers at the election had been made out. These allegations were denied by the respondent. However, the respondent also charged the petitioner with having been guilty of corrupt practices and complained of irregularities in the reception and rejection of votes to help the petitioner. In particular it was alleged:

"In a large number of cases the counting officials (Who are pro-Jan Sangh) were counting 55 ballot papers of the recriminator and marking the bundle to show that there were only 50 ballot papers in it. Simultaneously they would count 45 ballot papers of the petitioner and write the number "50" on the bundle to show that there were 50 ballot papers in it."

It was also alleged that some Assistant Returning Officers had applied discriminatory standards in accepting and rejecting the votes in favour of the petitioner. It was only after the appreciation of the evidence in respect of those allegations of irregularities alleged in the recriminatory petition of the respondent that their Lordships of the Supreme Court held that the irregularity alleged is such a grave nature that in the interest of justice they felt that it was a matter which calls for scrutiny. As a result of the scrutiny by the tellers, who were appointed to recount the votes in the Khalsa Jurasi segment it was found that the counting had been very inaccurate. Numerous instances had been brought to the notice of the Court which clearly showed that votes of one side had been counted as votes of the other side. Whether it is for one party or the other, it makes no difference. It was quite clearly demonstrated that the officers who counted these votes did not do their duty either honestly or carefully and in these circumstances a general recount was considered necessary and six Advocates of the Supreme Court were appointed as tellers. After the receipt of the report of the tellers it was found that the lead of the returned candidate had increased to 134 and, therefore, the appeal was dismissed. In the present case, in the first instance there is no allegation of any non-compliance with the provisions of rule 56 or of any irregularity nor is there any evidence except the bald testimony of the petitioner himself. The only evidence is that there was shortage of one vote at Table No. 13. So, the petitioner has failed to show any ground for a recount on the basis of this authority wherein there were serious irregularities not only pointed out by the petitioner but by the respondent also. The shortage of one vote cannot be said to be such which would materially affect the result of the election against the respondent.

The petitioner had not pleaded non-compliance with rule 56 nor had disclosed any grounds in his applications, Exhibits P.1 and P.4, which were the earliest in point of time nor had he made any pleading in the petition on the ground of which he claimed recount. The only two grounds were shortage of one vote at table No. 12 and about 100 votes illegally rejected but there also no recount was claimed. So, the allegations are quite inadequate and indefinite. In such a situation the Supreme Court in *Behram Bhalaiak vs. Jai Behari Lal Khachi and another* (A.I.R. 1975 S.C. 283) observed:

"Since an order for recount touches upon the secrecy of the ballot, it should not be made lightly or as a matter of course. The Court would be justified in ordering a recount or permitting inspection

of the ballot papers only when all the material facts on which the allegations of irregularity or illegality in counting are founded, are pleaded adequately in the election petition, and the court trying the petition is *prima facie* satisfied that the making of such an order is imperatively necessary to decide the dispute and to do complete and effectual justice between the parties. Mere allegations that the petitioner suspects or believes that there has been improper reception, refusal or rejection of votes or there have been irregularities in the counting of ballot papers will not be sufficient to support an order of recount and inspection."

In the present case, as already pointed out, the allegations are quite indefinite and vague and not precise. They are of a general character. Although the petitioner has verified these averments as contained in para 8 of the petition on his personal knowledge yet he has not been able to disclose the grounds. If it had been on an information then it could be said that he believed only what was communicated to him. But, when he had the personal knowledge it was his *bona fide* duty to bring out the allegations, precisely and clearly so that the other party could get an opportunity to meet and give a reply to the same.

In the earlier authority, Swami Rameshwaranand (supra) cited by the learned counsel for the petitioner also the Supreme Court observed:

"A mere allegation that petitioner suspected or believed that there had been an improper reception, refusal or rejection of votes would not be sufficient for ordering inspection."

So, from this it would appear that before an order for recount can be made the Court must be satisfied that there are specific, precise and definite allegations and which are fully proved. In the instant case, as already stated, there is no such thing and these observations of their Lordships of the Supreme Court in this case are fully applicable to the facts of the present case.

The petitioner had no where stated in these applications Exhibits P.1, P.3 and P.4 that 100 votes cast in favour of the petitioner had been illegally rejected. Obviously this plea is an after thought because the same is not mentioned in any of these applications. In the witness-box he has made a different case, as already stated above. He is not consistent to one thing or one statement. Therefore, what follows: that he got rid of the recount are fake and non-existent.

Further I may advert to the evidence produced by the petitioner regarding counting. Bhagwan Singh (P.W. 8) was one of the counting agents of the petitioner, as is apparent from document Exhibit P.10 and the petitioner has also admitted this fact in his statement. But when Bhagwan Singh was examined in the Court the petitioner did not ask any question from him about any irregularity in the matter of counting of the votes. He confined his examination of Bhagwan Singh only on the point of speech of Amar Singh which point, however, has not been argued by the learned counsel for the petitioner and he has conceded that there was no evidence on the allegations of corrupt practices of any speech, etc. where in the character and conduct in relation to the candidature of the petitioner was assassinated by Amar Singh and which speech was tape-recorded by him. Therefore, the petitioner himself has not brought any evidence barring his own statement which is highly discrepant and contradictory.

The respondent on the other hand had examined the Returning Officer, as R.W.1, and himself as R.W.2. Shri P. S. Rana (R.W.1) has stated that there were 15 tables put up in the room for counting purposes and there was one counting-agent of each candidate at each table and the candidate was also permitted to go from one table to other. According to him, he was deciding the objections of the respective candidates as and when they were raised. During the counting of the votes no

tions were raised by any of the parties in respect of this constituency i.e. 17-Shillai Constituency and, therefore, he had no occasion to decide the objections. However, subsequently he stated that 241 invalid votes were declared to be so by the counting officers themselves. But, immediately thereafter he stated of his own accord that he decided all those doubtful votes himself and the same bore his signatures and those rejected votes also bore his signatures. Therefore, from the statement of the Returning Officer (R.W.1) it is quite obvious that no such objections were raised and whatever objections were raised he (the R.O.) himself had decided the same. The petitioner has himself admitted in cross-examination that he had not filed any written application with regard to the objection that 99% doubtful votes were decided against him and the reason for not having filed the objections was that the Returning Officer had decided that objection against him and he was the final authority and he was aware of that fact. Their Lordships of the Supreme Court in *Chaitanya Kumar Aditya vs. Smt. Sushila Dixit and others* [(1976) 3 S.C.C. 97] held that: "an order for inspection of election papers cannot be made as a matter of course and that it is only when on the basis of evidence adduced allegations of irregularity are *prima facie* established and the Court is *prima facie* satisfied that the making of such an order is necessary to do complete justice between the parties that an order for inspection would be justified. The purpose of inspection is not to enable the election-petitioner to fish for evidence". A similar view was taken in *Bhabhi vs. Sheo Govind and others*

[(1976) 1 S.C.C. 687]. Since the petitioner has brought no evidence, therefore, I am not satisfied that the petitioner is entitled to a re-count. In *Lakshmi Raman Acharya vs. Chandan Singh and Others* [(1977) 1 S.C.C. 423] it has been observed by their Lordships of the Supreme Court that election petition being quasi-criminal in character, the allegation must be proved beyond doubt. Here there is no question of proof beyond doubt, even the allegations are not precise, specific and definite. Therefore, the petitioner cannot be held entitled to have a re-count merely because one vote was short at table No. 13 and this shortage of one vote will not have any material affect in so far as it concerns the returned candidate. Therefore, in this view of the matter the issue is decided against the petitioner.

Issue No. 5:

Since all the four issues have been decided against the petitioner, therefore, this issue is also decided against the petitioner.

The result, therefore, is that the petition fails and is hereby dismissed, with costs assessed at Rs. 2,000 to be paid to respondent No. 1.

Sd/-
CHET RAM THAKUR, J.

By order,
T. NAGARATHNAM,
Secretary to the Election Commission of India.

अनुपूरक

(देखिये पृष्ठ 1438—1441)

PART I

PERSONNEL DEPARTMENT (A-I)

NOTIFICATION

Simla-2, the 17th November, 1978

No. PER(A-I)-B(1)-13/78.—The Governor, Himachal Pradesh, is pleased to order that Sub-Divisional Officer (Civil) Dehra shall also function as Administrator, Thakur Kesho Dass College, Dhaliara, District Kangra with immediate effect.

2. This supersedes this department's Notification No. 3-28/70-DP-Appnt. dated 5-12-77.

K. C. SHARMA,
Joint Secretary.

LABOUR DEPARTMENT

NOTIFICATION

Simla-171002, the 30th October, 1978

No. 8-51 72-SI(Shram).—In exercise of the powers conferred under section 88 of the E.S.I. Act, 1948 the Governor of Himachal Pradesh is pleased to exempt the following employee posted in non-implemented areas of M/S Indo Pharma Pharmaceutical Works Ltd. Bombay from the operation of E.S.I. Act, 1948 (As amended), on the conditions mentioned in Annexure to the notification.

Sl. No.	Name of the Employee	Place of Posting	Period of Exemption
1	2	3	4
1	Shri Naresh K. Dilbaghi.	Simla	1-7-78 to 30-6-79

ANNEXURE

- (1) The aforesaid factory wherein the employees are employed shall maintain a register showing the names and designation of the exempted employees
- (2) Notwithstanding this exemption, the employees shall continue to receive such benefit under the said Act to which they might have become entitled to on the basis of the contributions paid prior to the date from which exemption granted by this notification operates.
- (3) The contributions for the exempted period, if already paid, shall not be refunded.
- (4) The employer of the said factory shall submit in respect of the period during which that factory was subject to the operation of the said Act (hereinafter referred to as the said period), such returns in such form and containing such particulars as were due from it in respect of the said period under the Employees' State Insurance (General) Regulations, 1950.
- (5) Any inspector appointed by the Corporation under sub-section (1) of Section 45 of the said Act, or other official of the Corporation authorised in this behalf shall, for the purposes of—
 - (i) verifying the particulars contained in any return submitted under sub-section (1) of section 44 for the said period; or
 - (ii) ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950 for the said period; or
 - (iii) ascertaining whether the employees continue to be entitled to benefits provided by the employer in cash and kind being benefits in consideration of which

exemption is being granted under this notification; or

- (iv) ascertaining whether any of the provisions of the Act had been complied with during the period when such provisions were in force in relation to the said factory be empowered to:
 - (a) require the principal or immediate employer to furnish to him such information as he may consider necessary; or
 - (b) enter any factory, establishment, office or other premises occupied by such principal or immediate employer at any reasonable time and require any person found incharge thereof to produce to such inspector or other official and allow him to examine such documents, books and other documents relating to the employment of persons

and payment of wages or to furnish to him such information as he may consider necessary; or

- (c) examine the principal or immediate employer, his agent or servant or any person found in such factory, establishment, office or other premises, or any person whom the said Inspector or other official has reasonable cause to believe to have been an employee; or
- (d) make copies of or take extracts from any register account book or other document maintained in such factory, establishment, office or other premises.

By order,
Sd/-
Secretary.

DAILY RAINFALL RECORDED IN HIMACHAL

District and Station	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	12th	13th	14th	15th	16th	17th	18th	19th
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Bilaspur:																			
Sadar	8.1	—	—	—	—	—	—	—	—	—	—	—	—	—	2.5	2.4	24.3	35.2	5.4
Ghumarwin	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Raghunathpura	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Bilaspur Obs.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Chamba:																			
Chamba	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Ludrer	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Chhatre ri	—	—	—	—	—	—	—	—	—	—	—	15.0	—	—	—	—	—	—	—
Bandal	45.5	—	—	—	—	—	—	—	—	—	—	8.0	50.0	44.0	80.0	25.0	37.5	35.0	50.0
Chawari	—	—	—	—	—	—	—	—	—	—	—	—	1.4	1.9	14.2	32.2	13.2	16.3	1.6
Bathri	—	—	—	—	—	—	—	—	—	—	1.0	1.1	2.1	4.1	4.0	13.1	20.1	—	30.0
Kalarop	—	—	—	10.0	—	—	—	—	—	—	—	5.0	10.0	5.0	7.5	5.0	5.0	5.0	15.0
Bhar mounr	10.0	—	—	—	—	—	—	—	—	—	—	5.0	3.0	5.0	4.0	5.0	—	3.0	15.0
Tissa	12.0	6.1	—	—	—	—	—	—	—	—	10.1	15.1	—	25.1	35.2	20.1	37.1	12.0	18.1
Bhanota	22.5	—	—	—	5.0	—	—	—	—	—	—	2.5	10.0	2.5	30.0	27.5	32.5	27.5	17.5
Kilar	—	—	—	—	—	—	—	—	—	—	—	3.0	15.0	—	100.0	5.0	15.0	30.0	15.0
Hamirpur:																			
Hamirpur	—	—	—	—	—	—	—	—	—	—	—	—	—	—	5.0	5.0	45.0	38.0	10.0
Kangra:																			
Palampur	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	2.8	10.7	15.2
Dehra	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Kangra	24.4	—	—	—	—	—	—	—	—	—	—	—	0.4	3.2	9.4	10.4	9.4	1.2	8.2
Nurpur	48.9	—	—	—	—	—	—	—	—	—	—	—	—	—	—	20.1	—	—	28.9
Kulu:																			
Kulu	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Paniar	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Kinnaur:																			
Kilba	—	—	3.4	—	—	—	—	—	—	—	—	7.3	1.2	12.3	10.8	—	11.4	—	0.9
Sangla	—	—	—	—	—	—	—	—	—	—	—	1.7	3.1	3.2	3.9	3.5	3.7	3.8	3.6
Purbani	—	—	2.3	—	—	—	—	—	—	—	—	4.8	0.7	6.5	—	8.5	3.5	8.8	5.5
Nichar	—	—	—	—	—	—	—	—	—	—	—	0.2	3.2	—	—	—	—	—	—
Kalpa	—	—	—	1.6	—	—	—	—	—	—	—	0.7	3.5	0.5	1.1	3.5	—	—	9.4
Lahaul and Spiti:																			
Keylong	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Kaza	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Simla:																			
Rampur	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	37.1	27.3	26.6	5.3
Rohyoo	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Jubbai	12.4	—	—	2.7	2.3	—	—	—	—	—	—	—	0.6	2.0	14.2	33.4	5.8	32.8	18.0
Chopal	—	—	—	—	—	—	—	—	—	—	—	—	4.5	3.5	21.0	17.5	19.5	9.7	5.5
Theog	3.0	—	—	—	—	—	—	—	—	—	—	—	—	6.8	5.3	18.4	8.6	21.6	28.0
Kumarsain	4.0	3.0	5.0	—	—	—	2.0	—	—	—	—	6.0	9.0	2.5	1.5	—	7.0	7.0	—
Junga	—	—	—	—	—	—	—	—	—	—	—	—	—	3.0	25.0	15.0	6.0	5.0	8.0
Kasumpti	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Suni	2.0	—	—	—	—	—	—	—	—	—	—	—	—	—	1.0	13.0	3.2	32.0	4.0
Kodhai	—	—	—	—	—	—	—	—	—	—	—	—	1.2	2.3	18.2	16.3	20.2	14.0	7.0
Bashla	—	—	—	—	—	—	—	—	—	—	—	—	—	2.1	15.0	14.0	9.4	2.3	8.1
Khadrals	—	—	—	—	—	—	—	—	—	—	—	—	—	1.0	2.6	11.3	15.0	12.2	6.5
Shillaroo	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Parals	—	—	—	—	—	—	—	—	—	—	—	—	—	4.0	15.0	55.0	30.0	25.0	16.0
Kotgarh	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Phancho	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Mashobra	—	—	—	—	—	—	—	—	—	—	—	—	—	—	9.0	16.0	3.0	40.0	16.0

20th	21st	22nd	23rd	24th	25th	26th	27th	28th	29th	30th	31st	Number of rainy days	Normal No. of rainy days	Total rain fall for the month	Normal rainfall for the month	Haviest rainfall during the month	Total rainfall from 1-2-76 to 29-2-76	Normal rainfall from 1-2-76 to 29-2-76
21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39
8.2	—	—	—	—	—	2.3	—	—	—	—	—	5	2.3	89.3	41.1	50.1	89.3	—
15.2	—	—	—	—	2.2	3.5	—	—	—	—	—	5	—	90.7	—	35.2	90.7	—
—	—	—	—	—	—	—	—	—	—	—	—	—	1.3	—	13.5	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	10	—	180.0	—	—	180.0	—
—	—	—	—	—	—	—	—	—	—	—	—	5	1.8	90.0	27.3	—	90.0	—
—	—	—	—	—	—	—	—	—	—	—	—	—	4.2	—	98.3	—	—	—
27.0	—	—	—	—	—	—	—	—	—	—	—	11	3.7	—	78.8	—	—	—
25.0	—	—	—	—	—	—	—	—	—	—	—	13	4.1	155.0	63.4	27.5	155.0	—
—	—	—	—	—	—	—	—	—	—	—	—	7	5.9	496.0	157.2	80.0	496.0	—
—	—	—	—	—	—	—	—	—	—	—	—	7	3.3	200.8	72.1	81.4	200.8	—
—	—	—	—	—	—	—	—	—	—	—	—	7	3.8	140.6	98.8	46.1	140.6	—
—	—	—	—	—	—	—	—	—	—	—	—	12	4.2	217.5	76.3	105.0	217.5	—
4.0	—	—	—	—	—	—	—	—	—	—	—	15	3.7	62.0	112.8	15.0	62.0	—
68.8	—	—	—	—	—	—	—	—	—	—	—	15	5.3	249.1	115.6	37.1	249.1	—
30.0	—	—	—	—	—	—	—	—	—	—	—	14	3.6	331.3	96.8	68.8	331.3	—
—	—	—	—	—	—	—	—	—	—	—	—	11	—	369.0	—	136.0	369.0	—
—	—	—	—	—	—	—	—	—	—	—	—	99	—	2221.3	—	—	2221.3	—
—	—	—	—	—	—	—	—	—	—	—	—	11	4.2	246.8	97.0	—	246.8	—
—	—	—	—	—	—	—	—	—	—	—	—	6	N.A.	117.0	N.A.	45.0	117.0	—
—	—	—	—	—	—	—	—	—	—	—	—	6	—	117.0	—	—	117.0	—
—	—	—	—	—	—	—	—	—	—	—	—	6	N.A.	117.0	N.A.	—	117.0	—
—	—	—	—	—	—	—	—	—	—	—	—	5	N.A.	—	N.A.	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	7	N.A.	64.3	N.A.	30.5	64.3	—
—	—	—	—	—	—	—	—	—	—	—	—	5	N.A.	119.4	N.A.	49.2	119.4	—
—	—	—	—	—	—	—	—	—	—	—	—	5	N.A.	157.8	N.A.	51.3	157.8	—
—	—	—	—	—	—	—	—	—	—	—	—	17	—	341.5	—	—	341.5	—
—	—	—	—	—	—	—	—	—	—	—	—	5	N.A.	113.8	N.A.	—	113.8	—
—	—	—	—	—	—	—	—	—	—	—	—	—	N.A.	—	N.A.	—	—	—
—	—	—	—															

DAILY RAINFALL RECORDED IN HIMACHAL

District and Station	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	12th	13th	14th	15th	16th	17th	18th	19th
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Mandi:																			
Sadar	—	12.0	—	—	—	—	—	—	—	—	—	—	—	—	—	12.0	—	45.0	2.0
Jogindernagar	—	—	—	—	—	—	—	—	—	—	—	—	6.2	4.3	14.0	14.0	18.8	—	—
Sarkaghat	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Chachiot	—	—	—	—	—	—	—	—	—	—	—	—	—	—	7.0	9.2	38.0	9.0	5.2
Sundernagar	—	—	—	—	—	—	—	—	—	—	—	—	—	—	5.0	25.0	27.0	26.0	4.0
Karsog	—	5.0	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Bhangrotu	—	—	—	—	—	—	—	—	—	—	—	—	18.2	22.4	21.2	27.7	26.1	112.2	—
Jhungi	—	—	—	—	—	—	—	—	—	—	4.0	9.2	12.4	8.2	12.3	11.4	19.2	—	—
Kataula	—	—	—	—	—	—	—	—	—	—	—	—	—	10.0	16.0	—	49.5	2.0	3.0
Panjab	—	—	—	—	—	—	—	—	—	—	—	—	—	4.0	10.0	3.0	40.0	15.0	23.0
Janjehli	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Mandi Obs.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
Solan:																			
Kandaghat	14.0	—	—	—	—	—	—	—	—	—	—	—	—	—	9.0	20.0	1.6	38.0	18.1
Kasauli	—	—	—	—	—	—	—	—	—	—	—	—	—	—	16.4	—	20.1	20.8	—
Nalagarh	15.0	—	—	—	—	—	—	—	—	—	—	—	—	—	6.6	10.0	34.0	50.0	10.0
Arki	—	—	—	10.4	—	—	—	—	—	—	—	—	—	—	16.0	—	56.0	4.0	6.0
Solan	—	—	—	4.2	—	—	—	—	—	—	—	—	—	—	25.1	—	54.2	26.1	4.4
SIRMUR																			
Nahan	14.0	—	—	—	—	—	—	—	—	—	—	—	—	—	—	24.0	5.0	24.0	14.0
Paonta Sahib	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Renuka	2.5	1.5	—	—	—	—	—	—	—	—	—	—	1.3	2.3	2.4	2.5	—	—	—
Pachhad	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	16.3	6.4	26.0	11.0
Bagthan	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Dhaula Kuan	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Paonta Irrigation Dept.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Una:																			
Una	70.3	—	—	—	—	—	—	—	—	—	—	—	—	—	2.0	—	25.0	45.0	—

PRADESH FOR THE MONTH OF FEBRUARY, 1976

20th	21st	22nd	23rd	24th	25th	26th	27th	28th	29th	30th	31st	Number of rainy days	Normal number of rainy days	Total rainfall for the month	Normal rainfall for the month	Excess rainfall during the month	Total rainfall from 1-2-76 to 29-2-76	Normal rainfall from 1-2-76 to 29-2-76
21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39
12.0	—	—	—	3.0	3.0	30.0	—	—	—	—	—	6	3.3	119.0	51.1	45.0	119.0	—
—	—	—	—	—	4.6	10.4	—	—	—	—	—	7	3.3	72.3	55.9	18.0	72.3	—
—	—	—	—	—	—	7.0	8.0	—	—	—	—	7	3.4	83.4	59.0	—	83.4	—
—	—	—	—	—	—	38.0	1.0	—	—	—	—	6	2.8	131.0	47.5	38.0	131.0	—
—	—	—	—	—	—	—	—	—	—	—	—	—	3.1	—	47.6	—	—	—
—	—	—	—	—	—	25.9	22.2	—	—	—	—	8	3.7	175.9	73.7	—	175.9	—
—	—	—	—	—	25.4	22.2	18.0	—	—	—	—	8	2.5	120.3	47.0	27.7	120.3	—
—	—	—	—	—	—	10.0	18.0	—	—	—	—	6	2.5	108.5	34.6	25.4	108.5	—
—	—	—	—	—	—	10.0	—	—	—	—	—	9	2.2	128.0	35.6	49.5	128.0	—
N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.R.	N.R.	N.R.	N.A.	2.5	N.A.	30.1	40.0	—	—
—	—	—	—	—	—	—	—	—	—	—	—	57	—	938.4	—	—	938.4	—
—	—	—	—	—	—	—	—	—	—	—	—	7	3.0	117.3	50.5	—	117.3	—
9.1	—	—	—	—	4.0	9.1	7.0	—	—	—	—	9	N.A.	129.9	N.A.	38.0	129.9	—
20.1	—	—	—	—	—	—	—	—	—	—	—	1	N.A.	77.4	N.A.	20.8	77.4	—
34.0	—	—	—	—	—	—	—	—	—	—	—	7	N.A.	159.6	N.A.	50.0	159.6	—
—	—	—	—	—	9.0	6.0	—	—	—	—	—	7	N.A.	107.4	N.A.	56.0	107.4	—
—	—	—	—	8.1	9.3	—	—	—	—	—	—	7	N.A.	131.4	N.A.	54.2	131.4	—
—	—	—	—	—	—	—	—	—	—	—	—	34	—	605.7	—	—	605.7	—
—	—	—	—	—	—	—	—	—	—	—	—	7	N.A.	121.1	N.A.	—	121.1	—
8.0	—	—	—	—	—	—	—	—	—	—	—	6	2.2	89.6	33.1	24.0	89.6	—
—	—	—	—	—	—	—	—	—	—	—	—	3	2.0	18.2	30.0	—	—	—
9.0	—	—	—	—	3.3	2.4	—	—	—	—	—	7	2.3	82.0	37.6	3.3	18.2	—
—	—	—	—	—	6.1	7.2	—	—	—	—	—	—	—	—	40.6	26.0	82.0	—
—	—	—	—	—	—	—	—	—	—	—	—	—	2.2	—	31.6	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	16	—	189.8	—	—	189.8	—
—	—	—	—	—	—	—	—	—	—	—	—	5	2.1	63.3	—	—	63.3	—
12.0	—	—	—	—	5.0	6.4	—	—	—	—	—	6	N.A.	165.7	34.6	70.3	165.7	—
—	—	—	—	—	—	—	—	—	—	—	—	6	—	165.7	N.A.	—	165.7	—
—	—	—	—	—	—	—	—	—	—	—	—	6	N.A.	165.7	N.A.	—	165.7	—

V. R. AGNIHOTRI,
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